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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate pagin is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों और (संघ राज्यक्षेत्र प्रशासनों को छोड़ कर)
केन्द्रीय प्राधिकारियों द्वारा जारी किए गए संविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities (other than the
Administrations of Union Territories)

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 25 फरवरी, 1980

चुने जाने और होने के लिए इन आदेश की तारीख से तीन वर्ष की काला
वधि के लिए निरहित थापित करता है।

[सं० कर्ना-वि० सं०/74/78(45)]

ELECTION COMMISSION OF INDIA
ORDER

New Delhi, the 25th February, 1980

का० आ० 943.—यत्न, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए कर्नाटक विधान सभा के लिए साधारण निर्वाचन के लिए 74-वेंगल सभा निर्वाचन-क्षेत्र में चुनाव लड़ने वाले उम्मीदवार श्री एच० सी० अंजप्पा, सं० 1154, एन० आर० एक्सटेंशन, चिन्तामणि टाऊन, जिला कोलार (कर्नाटक), लोक प्रतिनिधित्व अधिनियम, 1951 तथा लब्धित बनाए गए नियमों द्वारा अधिनित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और, यत्न, उक्त उम्मीदवार ने, उसे सम्बन्ध सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रस्तुत नहीं किया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्याख्या नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री एच० सी० अंजप्पा को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य

S.O. 943.—Whereas the Election Commission is satisfied that Shri H. C. Anjappa, No. 1154, N. R. Extension, Chintamani Town, District Kolar (Karnataka), a contesting candidate for general election to the Karnataka Legislative Assembly held in February, 78 from 74-Vengal Assembly constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri H. C. Anjappa to be disqualified for being chosen as, and for being, a member of either House of Parliamentary or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

and for being, a member of either House of Parliamentary or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KT-LA/74/78(45)]

आदेश

नई दिल्ली, 7 मार्च, 1980

क्र० प्रा० 944.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1979 में हुए लोक सभा के लिए उप निर्वाचन के लिए 30-नागापट्टीनम (अ० जा०) संसदीय निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सी० एम० एमानुयेल रामराज, 30, सी० ओट्टंगगु पो०, ना० पत्तुकोट्टई (तामिलनाडु), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रस्तावित नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सी० एम० एमानुयेल रामराज को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० त० ना०-लो० म०/30/79(उप)(10)]

ORDERS

New Delhi, the 7th March, 1980

S.O. 944.—Whereas the Election Commission is satisfied that Shri V. M. Emmanuel Ramaraj, 30, C. Ottangadu Post, Pattukottai Taluk, (Tamil Nadu), a contesting candidate for Bye election to the House of the People held in June 1979 from 30 Nagapattinam (SC) Assembly constituency, has failed to lodge an account of his election expenses required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri V. M. Emmanuel Ramaraj, to be disqualified for being chosen as, and for being, a member of either House of Parliamentary or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-HP/30/79(Bye) (10)]

क्र० प्रा० 945.—यतः निर्वाचन आयोग का समाधान हो गया है कि जून, 1979 में हुए लोक सभा के लिए उप निर्वाचन के लिए 30-नागापट्टीनम (अ० जा०) संसदीय निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री ए० पानीर सेलवामा, कल्याणारामवल, पो० इयावारी, ना० कुम्बाकोनम (तामिलनाडु) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रस्तावित नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री ए० पानीर सेलवामा को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० त० ना०-लो० म०/35/79(उप)(11)]

S.O. 945.—Whereas the Election Commission is satisfied that Shri A. Panneer Selvama, Villiavarambal, Iyavadi Post, Kumbakonam Taluk, (Tamil Nadu), a contesting candidate for Bye-election to the House of the People held in June, 1979 from 30-Nagapattinam (SC) Parliamentary constituency, has failed to lodge an account of his election expenses within the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri A. Panneer Selvama, to be disqualified for being chosen as, and for being, a member of either House of Parliamentary or of Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. TN-HP/30/79 (Bye) (11)]

आदेश

नई दिल्ली, 18 मार्च, 1980

क्र० प्रा० 946.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए कर्नाटक विधान सभा के लिए साधारण निर्वाचन के लिए 74-वेनगल सभा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री टी० नारायणाप्पा, पो० कडवाग, ना० चिन्तामणि, जिला कोलार (कर्नाटक), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रस्तावित नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री टी० नारायणाप्पा को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० कर्ना०-वि० स०/74/78(61)]

ORDER

New Delhi, the 18th March, 1980

S.O. 946.—Whereas the Election Commission is satisfied that Shri T. Narayanappa, Kaiwara Post, Chintamani Taluk District Kolar (Karnataka), a contesting candidate for general election to the Karnataka Legislative Assembly held in February, 1978 from 74-Vengal Assembly constituency, has failed to lodge an account of his election expenses within the time and the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri T. Narayanappa to be disqualified for being chosen as, and for being, a member of either House of Parliamentary or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KT-LA/74/78(61)]

प्रदेश

नई दिल्ली, 25 मार्च, 1980

क्र० आ० 947.—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए कर्नाटक विधान सभा के लिए साधारण निर्वाचन के लिए 213-बागलकोट सभा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री चावण लक्ष्मण हेमालप्पा, एन० एच० चावण हालेपेटे 6 वार्ड, बागलकोट (कर्नाटक), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घात बनाए गए नियमों द्वारा अपेक्षित समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार द्वारा दिये गये अभ्यावेदन पर विचार करने के पश्चात्, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यायोजित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग अतः द्वारा उक्त श्री चावण लक्ष्मण हेमालप्पा को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है

[सं० कर्ना०-वि० सं०/213/78(62)]

ORDER

New Delhi, the 25th March, 1980

S.O. 947.—Whereas the Election Commission is satisfied that Shri Chavan Laxman Hemalappa, L. H. Chavan Halepete 6 Ward, Bagalkot (Karnataka), a contesting candidate for general election to the Karnataka Legislative Assembly held in February, 1978 from 213-Bagalkot constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chavan Laxman Hemalappa to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KT-LA/213/78 (62)]

प्रदेश

नई दिल्ली, 27 मार्च, 1980

क्र० आ० 948.—अतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1978 में हुए कर्नाटक विधान सभा के लिए साधारण निर्वाचन के लिए 145-को। सभा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री भोगेश एथा करकेरा, माफत नागेश करकेरा, गांव कुलाई, पो० मीनाकनिया (वाया) पन्नामबूर मंगलूर तालुक (कर्नाटक), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घात बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार के पुराने उपलब्ध पते पर सूचना क्षिप-काये जाने पर भी उसने अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और उक्त उम्मीदवार द्वारा दिये गये अभ्यावेदन पर विचार करने के पश्चात्, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यायोजित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री भोगेश एथा करकेरा को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० कर्ना०-वि० सं०/145/78(63)]

आदेश से,

एस० सी० जैन, अवर सचिव भारत निर्वाचन आयोग

ORDER

New Delhi, the 27th March, 1980

S.O. 948.—Whereas the Election Commission is satisfied Shri Bhogesh Aitha Karkera, C/o Nagesha Karkera, Kulai Village, Meenakalia Post (via) Pannambur, Mangalore Taluk, (Karnataka), a contesting candidate for general election to the Karnataka Legislative Assembly held in February, 1978 from 145-Kaup Assembly constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notices being posted at his last known address, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bhogesh Aitha Karkera to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KT-LA/145/78 (63)]

By order,

S. C. JAIN, Under Secy. to the Election Commission of India

प्रदेश

नई दिल्ली, 26 फरवरी, 1980

क्र० आ० 949.—यतः, निर्वाचन आयोग का समाधान हो गया है कि दिसम्बर, 1977 में हुए लोक सभा के लिए अप-निर्वाचन के लिए 12-फरीदकोट निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री जीता राम, ग्राम रामनगर खजान सिंह वाला, तहसील मुक्तसर (पंजाब) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घात बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यायोजित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री जीता राम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० पंजाब-लो० सं०/12/77-उप]

ORDERS

New Delhi, the 26th February, 1980

S.O. 949.—Whereas the Election Commission is satisfied that Shri Jeeta Ram, Village Ramnagar Khajan Singh Wala, Tehsil Muktsar (Punjab) who was a contesting candidate for

bye-election to the House of the People from 12-Baidkot Parliamentary Constituency held in December, 1977 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Jecta Ram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-HP/12/77 (Bye)]

का० प्रा० 950.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून 1977 में हुए पंजाब विधान सभा के लिए साधारण निर्वाचन के लिए 22-अटारी (अ० जा०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मोहिनंदर सिंह, ग्राम व डा० अटारी, तहसील तरन तारन (पंजाब) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्बन्ध सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मोहिनंदर सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[गं० पंजाब-वि० सं०/22/77]

S.O. 950.—Whereas the Election Commission is satisfied that Shri Mohinder Singh, Village and P.O. Attari, Tehsil Tarn Taran (Punjab) who was a contesting candidate for general election to the Punjab Legislative Assembly from 22-Attari (SC) held in June, 1977 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mohinder Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/22/77]

का० प्रा० 951.—यतः निर्वाचन आयोग का यह समाधान हो गया है कि जून 1977 में हुए पंजाब विधान सभा के लिये साधारण निर्वाचन के लिये 37-बंगा (अ० जा०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बलबीर सिंह, ग्राम व डा० खोदरनकला, तहसील नवां शहर, जिला जालन्धर, पंजाब लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्बन्ध सूचना दिये जाने पर भी, इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है

और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बलबीर सिंह का संसद के किसी भी सदन के या किसी राज्य विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[गं० पंजाब-वि० सं०/37/77]

S.O. 951.—Whereas the Election Commission is satisfied that Shri Balbir Singh, Village Kholhran Kalan Tehsil Nawanshahr, District Jullundur, (Punjab) who was a contesting candidate for general election to the Punjab Legislative Assembly from 37-Banga (SC) held in June, 1977 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Balbir Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/37/77]

का० प्रा० 952.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए पंजाब विधान सभा के लिये साधारण निर्वाचन के लिये 45-गढ़शंकर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री चानन राम, रिपब्लिकन पार्टी, ग्राम महीनपुर, तहसील गढ़शंकर, पंजाब लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्बन्ध सूचना दिए जाने पर भी, इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है।

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री चानन राम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है;

[गं० पंजाब-वि० सं०/45/77]

S.O. 952.—Whereas the Election Commission is satisfied that Shri Chanan Ram, Republican Party, Mahipur, Tehsil Garhshankar (Punjab) who was a contesting candidate for general election to the Punjab Legislative Assembly from 45-Garhshankar held in June, 1977 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chanan Ram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/45/77]

का० प्रा० 953.—यतः निर्वाचन आयोग का समाधान हो गया है कि जून 1977 में हुए पंजाब विधान सभा के लिये साधारण निर्वाचन के लिए 47-होशियारपुर निर्वाचन क्षेत्र में चुनाव लड़ने वाले उम्मीदवार श्री अमरीक सिंह, ग्राम ब डा० नगल शहिदा, होशियारपुर (पंजाब) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः उक्त उम्मीदवार ने, सम्यक सूचना दिये जाने पर भी, इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है।

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री अमरीक सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है;

[मं० पंजाब-वि०सं० 47/77]

S.O. 953.—Whereas the Election Commission is satisfied that Shri Amrik Singh, Village & P. O. Nangul Shahidan, District Hoshiarpur (Punjab) who was a contesting candidate for general election to the Punjab Legislative Assembly from 47-Hoshiarpur held in June, 1977 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Amrik Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/47/77]

का० प्रा० 954.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून 1977 में हुए पंजाब विधान सभा के लिये साधारण निर्वाचन के लिये 53-जगरांव निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मोहिन्दर सिंह, ग्राम सदरपुरा, तहसील जगरांव (पंजाब) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिये जाने पर भी, इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मोहिन्दर सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[मं० पंजाब-वि०सं० 53/77]

S.O. 954.—Whereas the Election Commission is satisfied that Shri Mohinder Singh, Village Sadar Pura, Tehsil Jagraon (Punjab) who was a contesting candidate for general election to the Punjab Legislative Assembly from 53-Jagraon held in June, 1977 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mohinder Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/53/77]

का० प्रा० 955.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून 1977 में हुए पंजाब विधान सभा के लिये साधारण निर्वाचन के लिए 53-जगरांव निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री किशन चन्द, ककड़ बिल्डिंग, जगरांव (पंजाब) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री किशन चन्द को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है;

[मं० पंजाब-वि०सं० 53/77]

S.O. 955.—Whereas the Election Commission is satisfied that Shri Kishan Chand, Kakar Building, Jagraon (Punjab) who was a contesting candidate for general election to the Punjab Legislative Assembly from 53-Jagraon held in June, 1977 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kishan Chand to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/53/77]

का० प्रा० 956.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून 1977 में हुए पंजाब विधान सभा के लिये साधारण निर्वाचन के लिये 62-कुम कला (अ० जा०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री किकड़ सिंह, ग्राम मण्ड घोराली, डागकर पंचायत, जिला मुधियाना (पंजाब) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री किकड़ सिंह को संसद के किसी भी सदन के या

किसी राज्य विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है ;

[सं० पंजाब-वि०सं०/62/77]

S.O. 956.—Whereas the Election Commission is satisfied that Shri Kikar Singh, Village Mand Ghorali, P.O. Panjgrain, District Ludhiana (Punjab) who was a contesting candidate for general election to the Punjab Legislative Assembly from 62-Kum Kalan (SC) held in June, 1977 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder,

And whereas, the said candidate even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kikar Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/62/77]

क्र० प्रा० 957.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून 1977 में हुए पंजाब विधान सभा के लिये साधारण निर्वाचन के लिये 73-डकाला निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बिधन्त सिंह, ग्राम कमालपुर, तहसील पटियाला (पंजाब) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, सम्पर्क सूचना दिए जाने पर भी, इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हुआ गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बिधन्त सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है ।

[सं० पंजाब-वि०सं०/73/77]

S.O. 957.—Whereas the Election Commission is satisfied that Shri Beant Singh, Village Kamalpur, Tehsil Patiala (Punjab) who was a contesting candidate for general election to the Punjab Legislative Assembly from 73-Dakala held in June, 1977 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Beant Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/73/77]

क्र० प्रा० 958.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून 1977 में हुए पंजाब विधान सभा के लिये साधारण निर्वाचन के लिये 81-मलेरकोटला निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री देव,

अम्बेडकर बस्ती, मलेरकोटला (पंजाब) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, सम्पर्क सूचना दिए जाने पर भी, इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हुआ गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री देव को संसद के किसी भी सदन या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है ;

[सं० पंजाब-वि०सं०/81/77]

S.O. 958.—Whereas the Election Commission is satisfied that Shri Dev, Ambedkar Basti, Malerkotla (Punjab) who was a contesting candidate for general election to the Punjab Legislative Assembly from 81-Malerkotla held in June, 1977 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Dev to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/81/77]

क्र० प्रा० 959.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून 1977 में हुए पंजाब विधान सभा के लिये साधारण निर्वाचन के लिये 102-पंजग्रेन (अ०जा०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री गुरदेव सिंह, मुपुत्र श्री सदा सिंह, ग्राम व डाकखाना कानियावाली तहसील मुक्तसर (पंजाब) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, सम्पर्क सूचना दिए जाने पर भी, इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हुआ गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री गुरदेव सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है ।

[सं० पंजाब-वि०सं०/102/77]

S.O. 959.—Whereas the Election Commission is satisfied that Shri Gurdev Singh, S/o Shri Sada Singh, Village and P.O. Kania Wali, Tehsil Muktsar (Punjab) who was a contesting candidate for general election to the Punjab Legislative Assembly from 102-Panjgrain (SC) held in June, 1977 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Gurdev Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/102/77]

क्र० आ० 960.—यतः, निर्वाचन आयोग का समाधान हो गया है जून, 1977 में हुए पंजाब विधान सभा के लिये साधारण निर्वाचन के लिये 108-लम्बी निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री धीमा राम ग्राम व डाकखाना अबुल खुराना, तहसील मुक्तसर (पंजाब) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने सम्पर्क सूचना दिए जाने पर भी, इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री धीमा राम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं० पंजाब-वि०स०/108/77]

S.O. 960.—Whereas the Election Commission is satisfied that Shri Ghisa Ram, Village & P.O. Abul Khurana, Tehsil Muktsar (Punjab) who was a contesting candidate for general election to the Punjab Legislative Assembly from 108-Lambi held in June, 1977 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ghisa Ram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/108/77]

आदेश

नई दिल्ली, 19 मार्च, 1980

क्र० आ० 961.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1977 में हुए उत्तर प्रदेश विधान सभा के लिये साधारण निर्वाचन के लिये 17-म्यौहारा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मेहन्दी हसन, मकसूदपुर, पो० महुरपुर, जिला बिजनौर, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित समय के अन्तर तथा रीति में अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार द्वारा दिए गए अभ्यावेदन पर विचार करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उनके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मेहन्दी हसन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं० उ०प्र०-वि०स०/17/77/(82)]

ORDERS

New Delhi, the 19th March, 1980

S.O. 961.—Whereas the Election Commission is satisfied that Shri Mehendi Hasan, Maksodpur, P.O. Saharpur, District Bijnor a contesting candidate for general election to the Uttar Pradesh Legislative Assembly held in 1977 from 17-Seohara constituency, has failed to lodge an account of his election expenses within the time and in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mehendi Hasan to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/17/77(82)]

क्र० आ० 962.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1977 में हुए उत्तर प्रदेश विधान सभा के लिये साधारण निर्वाचन के लिये 19-अफजलगढ़ निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री गुरचरन सिंह, ग्राम मथुरापुर मोर, पो० नजीबाबाद, जिला बिजनौर, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, सम्पर्क सूचना दिए जाने पर भी, इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री गुरचरन सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं० उ०प्र०-वि०स०/19/77(83)]

S.O. 962.—Whereas the Election Commission is satisfied that Shri Gur Charan Singh, Village Mathurapur Morc, Post Najibabad, District Bijnor a contesting candidate for general election to the Uttar Pradesh Legislative Assembly held in 1977 from 19-Afzalgarh constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Gur Charan Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/19/77(83)]

क्र० आ० 963.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए उत्तर प्रदेश विधान सभा के लिये साधारण निर्वाचन के लिये 38-खिलामपुर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सरदार सरजीत सिंह, ग्राम बेरखेड़ा फैजाबाद, डा० रतनपुरा, तहसील

बिहामपुर, जिला रामपुर उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाये गये नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा श्री सरदार सरजत सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं० उ०प्र०-वि०सं०/38/77(85)]

S.O. 963.—Whereas the Election Commission is satisfied that Shri Sardar Sarjeet Singh, Village Berkheri, Faizabad, P.O. Ratanpura, Tahsil Bilaspur, District Rampur (Uttar Pradesh) a contesting candidate for general election to the Uttar Pradesh Legislative Assembly held in June, 1977 from 38-Bilaspur constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sardar Sarjeet Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/38/77(85)]

का० प्रा० 964.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1977 में हुए उत्तर प्रदेश विधान सभा के लिये साधारण निर्वाचन के लिये निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बहोरन लाल मोर्य, टीवरी नाथ मन्दिर कालोनी, नैनीताल रोड, बरेली लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बहोरन लाल मोर्य को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं० उ०प्र०-वि०सं०/49/77(86)]

S.O. 964.—Whereas the Election Commission is satisfied that Shri Bahoran Lal Maurya, Teepri Nath Temple Colony, Nainital Road, Bareilly a contesting candidate for general election to the Uttar Pradesh Legislative Assembly held in 1977 from 49-Sunha constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bahoran Lal Maurya to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/49/77(86)]

का० प्रा० 965.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1977 में हुए उत्तर प्रदेश विधान सभा के लिये साधारण निर्वाचन के लिये 74-बेहटा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री म० सलमान कदीर, म० कैथी टोला, बिसवा जिला सीतापुर (उत्तर प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी, इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री म० सलमान कदीर को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं० उ०प्र०-वि०सं०/74/77(87)]

S.O. 965.—Whereas the Election Commission is satisfied that Shri S. Salman Qadir, Moh. Kaithi Tola, Biswan, District Sitapur a contesting candidate for general election to the Uttar Pradesh Legislative Assembly held in 1977 from 74-Behta constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act the Election Commission hereby declares the said Shri S. Salman Qadir to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/74/77(87)]

का० प्रा० 966.—यतः, निर्वाचन आयोग का समाधान हो गया है कि 1977 में हुए हरियाणा विधान सभा के लिए साधारण निर्वाचन के लिए 19-नौलथा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री आभा, ग्राम ब डा० अलूपुर तह० पानीपत (हरियाणा) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिए जाने पर भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री आभा को संसद के किसी भी सदन के या

किसी राज्य की विधान सभा अथवा विधान परिषद के गम्भीर चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं० हरि०-वि०-सं०/19/77]

S.O. 966.—Whereas the Election Commission is satisfied that Shri Abha, Village & Post-Allupur, Tehsil Panipat (Haryana) a contesting candidate for general election to the Haryana Legislative Assembly held in June, 1977 from 19-Haultha constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules, made thereunder;

And whereas, the said candidate even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Abha to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. HN-LA/19/77]

आदेश

नई दिल्ली, 1 अप्रैल, 1980

का० प्रा० 967.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून 1977 में हुए पंजाब विधान सभा के लिए साधारण निर्वाचन के लिए 23-तारन तारन निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री हरजित सिंह, मकान नं० 12/57 भ्रमनसर रोड, तारन तारन जिला, भ्रमनसर (पंजाब) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री हरजित सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० पंजाब-वि०-सं०/23/77]

आदेश से,

प्र० कु० चटर्जी, अवर सचिव भारत निर्वाचन आयोग

ORDER

New Delhi, the 1st April, 1980

S.O. 967.—Whereas the Election Commission is satisfied that Shri Harjit Singh, H. No. 12/57, Amritsar Road, Tarn Taran District Amritsar (Punjab) who was a contesting candidate for general election to the Punjab Legislative Assembly from 23-Tarn Tarn held in June, 1977 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

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Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Harjit Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-LA/23. 77]

A. K. CHATTERJEE, Under Secy.

Election Commission of India

आदेश

नई दिल्ली, 7 मार्च 1980

का० प्रा० 968.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून 1977 में हुए पश्चिमी बंगाल विधान सभा के लिये साधारण निर्वाचन के लिये 144-बड़ा बाजार सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मुजफ्फर खान, 38, मार्केट स्ट्रीट, कलकत्ता-13 लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का दाखिल करने में असफल रहे हैं;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मुजफ्फर खान को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं० प०-वि०-सं०/144/77(1)]

ORDERS

New Delhi, the 7th March, 1980

S.O. 968.—Whereas the Election Commission is satisfied that Shri Muzaffar Khan, 38 Market Street, Calcutta-13, a contesting candidate for general election to the West Bengal Legislative Assembly from 144-Barabazar assembly constituency, held in June, 1977, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Muzaffar Khan, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/144/77(1)]

का० प्रा० 969.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए पश्चिमी बंगाल विधान सभा के लिए साधारण निर्वाचन के लिए 144-बड़ा बाजार सभा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री पारसमल जैन, 54-ए, कालीकृष्ण टैगोर स्ट्रीट, कलकत्ता-7 लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री पारसमल जैन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवेदन की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० प०ब०-वि०स०/144/77(2)]

आदेश से,

एम० एल० चन्दा, प्रवर सचिव

S.O. 969.—Whereas the Election Commission is satisfied that Shri Parsmal Jain, 54A, Kalikrishna Tagore Street, Calcutta-7, a contesting candidate for general election to the West Bengal Legislative Assembly from 144-Barabazar assembly constituency, held in June, 1977, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Parsmal Jain, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. WB-LA/144/77(2)]

By Order,

M. L. CHANDA, Under Secy.

आदेश

नई दिल्ली, 18 मार्च 1980

क्र०प्रा० 970.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 18-मुरार निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बंजनाथ, ग्राम बेहेला, पो० मोरार ग्वालियर, (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण न्यायचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बंजनाथ को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवेदन की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म०प्र०-वि०स०/18/77]

ORDERS

New Delhi, the 18th March, 1980

S.O. 970.—Whereas the Election Commission is satisfied that Shri Baijnath, Village Behata, P.O. Morar, Gwalior, (Madhya Pradesh), a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 18-Morar constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice, has not given any reason or explanation for the failure and the

Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Baijnath to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/18/77]

क्र०प्रा० 971.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 44-क जतारा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री रामनाथ सिंह, ग्राम व पोस्ट बैरवार, जिला टीकमगढ़ (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण न्यायचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री रामनाथ सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आवेदन की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म०प्र०-वि०स०/44/77]

S.O. 971.—Whereas the Election Commission is satisfied that Shri Ramnath Singh, Village & Post Bairwar, District Tikamgarh (Madhya Pradesh) a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 44-Jatara constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ramnath Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/44/77]

क्र०प्रा० 972.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 54-पयारिया निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सेवा राम खुल्लै, ग्राम बेगुनवा, पो० सतपरा, जिला दमोह (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण न्यायचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सेवा राम खुल्लै को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म०प्र०-वि०स०/54/77]

S.O. 972.—Whereas the Election Commission is satisfied that Shri Sewaram Khullai, Village-Negunwa, P.O. Satpara, District-Damoh, (Madhya Pradesh), a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 54-Patharia constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sewaram Khullai to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/54/77]

का०प्रा०९७३.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 70-त्योथर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री शिवसेवक, ग्राम ब पोस्ट, त्योथर, रीवा, जिला रीवा, (मध्य प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण व्यायीचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री शिवसेवक को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म०प्र०-वि०स०/70/77]

S.O. 973.—Whereas the Election Commission is satisfied that Shri Shivsewak, Village and P.O. Teonthar, Rewa, District Rewa (Madhya Pradesh), a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 70-Teonthar constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Shivsewak to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/70/77]

का०प्रा०९७४.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 84-अनूपपुर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री शिवनन्दन सिंह, ग्राम ब पो० बीलना, जिला शहडोल (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण व्यायीचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री शिवनन्दन सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म०प्र०-वि०स०/84/77]

S.O. 974.—Whereas the Election Commission is satisfied that Shri Sheonandan Singh, Village and P.O. Cholera, District-Shahdol (Madhya Pradesh), a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 84-Anuppur constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sheonandan Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/84/77]

का०प्रा०९७५.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 84-अनूपपुर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राम जीवन, ग्राम मझगांव, पो० बम्हनी, जिला शहडोल (मध्य प्रदेश) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण व्यायीचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री राम जीवन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म०प्र०-वि०स०/84/77]

S.O. 975.—Whereas the Election Commission is satisfied that Shri Ram Jeewan, Village Majhgawan, P.O. Bomhini, District-Shahdol, (Madhya Pradesh), a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 84-Anuppur constituency, has

failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ram Jeewan to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP/LA/84/77]

कां० प्र० ९७६.—यत्, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश, विधान सभा के लिए साधारण निर्वाचन के लिए 84-अनुपपुर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बेनी प्रसाद, ग्राम सकरा, पो० अनुपपुर, जिला शहडोल (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यत्, उक्त उम्मीदवार ने, समयक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यायोजित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बेनी प्रसाद को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० म० प्र०-वि० सं०/84/77]

S.O. 976.—Whereas the Election Commission is satisfied that Shri Beni Prasad, Village Sekra, P.O. Anuppur, District-Shahdol, (Madhya Pradesh), a contesting candidate for general election to the (Madhya Pradesh) Legislative Assembly held in June, 1977 from 84-Anuppur constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Beni Prasad to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP/LA/84/77]

कां० प्र० ९७७.—यत्, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिये 100-यथल गांव (अ० ज० जा०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मिलवेस्टर सिमोन, गांव तथा पो० धर्मजयगढ़, तहसील धर्मजयगढ़, जिला रायगढ़ (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ।

और यत्, उक्त उम्मीदवार ने, समयक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और

निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यायोजित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मिलवेस्टर सिमोन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० म० प्र०-वि० सं०/100/77]

S.O. 977.—Whereas the Election Commission is satisfied that Shri Silwestor Simon, Village and Post Dharamjaigarh, Tehsil Dharamjaigarh District Raigarh (Madhya Pradesh), a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 100-Pathalgaon (S1) constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Silwestor Simon to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/100/77]

कां० प्र० ९७८.—यत्, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 125-चन्द्रपुर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री लखनलाल, 5, किरोदमल कॉलोनी, रायगढ़ (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यत्, उक्त उम्मीदवार ने, समयक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण व्यायोजित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री लखनलाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० म० प्र०-वि० सं०/125/77]

S.O. 978.—Whereas the Election Commission is satisfied that Shri Lakhnan Lal, 5, Kirodimal Colony, Raigarh, (Madhya Pradesh), a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 125-Chandrapur constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Lakhnan Lal to be disqualified for being chosen as, and for being, a member of either House of Parliament or

of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/125/77]

क्र०प्रा० 979.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश, विधान सभा के लिए साधारण निर्वाचन के लिए 139-खल्लारी निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री नरेन्द्र प्रताप सिंह ठाकुर भानुप्रतापसिंह, ग्राम तथा पो० कामाखा, तहसील महारामुन्दा, जिला रायपुर, (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्धन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रयत्न स्वीकृत नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण व्यायोजित नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री नरेन्द्रप्रताप सिंह ठाकुर भानुप्रताप सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रयत्न विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म०प्र०-वि०स०/139/77]

S.O. 979.—Whereas the Election Commission is satisfied that Shri Narendrapratap Singh Th. Bhanupratapsingh, Village and Post Komakhan, Tahsil Mahasamund, District Raipur (Madhya Pradesh), a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 139-Khallari constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Narendrapratap Singh Th. Bhanupratapsingh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/139/77]

क्र०प्रा० 980.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 148-केशकल (म०ज०आ०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री वसन्त, गांव सिंगहपुर, सब-तहसील केशकल, जिला बस्तर (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्धन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रयत्न स्वीकृत नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण व्यायोजित नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री वसन्त को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रयत्न विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म०प्र०-वि०स०/148/77]

S.O. 980.—Whereas the Election Commission is satisfied that Shri Dasru, Village Singanpur, Sub-Tahsil Keshkal, District Bastar (Madhya Pradesh), a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 148-Keshkal (ST) constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Dasru to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/148/77]

क्र०प्रा० 981.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 267-उज्जैन दक्षिण निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री रमेश चन्द्र देवता, जयसिंह पुरा, उज्जैन, (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्धन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रयत्न स्वीकृत नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण व्यायोजित नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री रमेश चन्द्र देवता को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रयत्न विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म०प्र०-वि०स०/267/77]

S.O. 981.—Whereas the Election Commission is satisfied that Shri Ramesh Chandra Devta, Jai Singh Pura, Ujjain, (Madhya Pradesh), a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 267-Ujjain South constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ramesh Chandra Devta to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/267/77]

क्र०प्रा० 982.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 91-उदियारा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री वीन बयान माधुर, ग्राम ब पो० अलीगढ़, जिला टोंक (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वर्धन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा रीति से दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापकत्व नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री दीन ब्याल माथुर को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०वि०सं०/91/77(56)]

S.O. 982.—Whereas the Election Commission is satisfied that Shri Deendayal Mathur, Village and Post Aligarh, District—Tonk, (Rajasthan), a contesting candidate for general election to the Rajasthan Legislative Assembly held in June, 1977 from 91-Umra constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Deendayal Mathur to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/91/77(56)]

का०शा० 983.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 113-अतएव निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री गोपाल लाल, ग्राम मुण्डला बिसोती, तहसील अतएव जिला कोटा (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापकत्व नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री गोपाल लाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०वि०सं०/113/77(57)]

S.O. 983.—Whereas the Election Commission is satisfied that Shri Gopal Lal, Village Mundla Bisoti, Tehsil—Atru, District—Kota, (Rajasthan), a contesting candidate for general election to the Rajasthan Legislative Assembly held in June, 1977 from 113-Atru constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Gopal Lal to be disqualified for being chosen as, and for being, a member of either House of Parliament or

of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/113/77(57)]

का०शा० 984.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 56-कोटपुतली निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री भीसा राम, नागल चचीका, कोटपुतली, (राजस्थान) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापकत्व नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री भीसाराम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०वि०सं०/56/77(58)]

S.O. 984.—Whereas the Election Commission is satisfied that Shri Ghisa Ram, Nangal Chachika, Kotputli, (Rajasthan), a contesting candidate for general election to the Rajasthan Legislative Assembly held in June, 1977 from 56-Kotputli constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ghisa Ram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/56/77(58)]

का०शा० 985.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 52-भीसा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री पूरन लाल मोहना रैगराल, बीसा, जिला जयपुर (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापकत्व नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री पूरन लाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०वि०सं०/52/77 (59)]

S.O. 985.—Whereas the Election Commission is satisfied that Shri Pooran Chand, Mohalla Raiguan, Dausa, District—Jaipur (Rajasthan), a contesting candidate for general election to the Rajasthan Legislative Assembly held in June 1977 from 52-Dausa constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Pooran Chand to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/52/77(59)]

क्र० प्र० 986.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 174-आहोर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार बलचन्द, ग्राम-पो-ओ-गुडा बालोतान, तहसील आहोर, जिला जालेर, (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण अथवा व्यायोजित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बाल चन्द को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहिता घोषित करता है ।

[सं० राज-वि० सं०/174/77(60)]

S.O. 986.—Whereas the Election Commission is satisfied that Shri Val Chand, Village and P.O. Guda Balotan, Tehsil—Ahore, District—Jalore (Rajasthan), a contesting candidate for general election to the Rajasthan Legislative Assembly held in June, 1977 from 174-Ahore constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Val Chand to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/174/77(60)]

क्र० प्र० 987.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 79-बाड़ी निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री गणपत पुत्र श्री नथुवा राम कछवाहा, बाई नं० 1, गुमत बाड़ी, जिला-भरतपुर (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार द्वारा दिए गए अभ्यावेदन पर विचार करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यायोजित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री गणपत को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहिता घोषित करता है ।

[सं० राज-वि० सं०/79/77(61)]

S.O. 987.—Whereas the Election Commission is satisfied that Shri Ganpat S/o Shri Nathuwa Ram Kachhwaha, Ward No. 1, Gumat Bari, District—Bharatpur (Rajasthan), a contesting candidate for general election to the Rajasthan Legislative Assembly held in June, 1977 from 79-Bari constituency, has failed to lodge any account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ganpat to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/79/77(61)]

क्र० प्र० 988.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 79-बाड़ी निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री रामनाथ कुसेडा, तहसील-धोलपुर, (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार द्वारा दिए गए अभ्यावेदन पर विचार करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यायोजित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री रामनाथ को संसद के किसी भी सदन के या किसी राज्य का विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहिता घोषित करता है ।

[सं० राज० वि० सं०/79/77-(62)]

S.O. 988.—Whereas the Election Commission is satisfied that Shri Ram Nath Kusenda, Tehsil Dholpur, District—Dholpur, (Rajasthan) a contesting candidate for general election to the Rajasthan Legislative Assembly held in June, 1977 from 79-Bari constituency, has failed to lodge any account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri

Ram Nath to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/79/77(62)]

का० आ० 989.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 62-रामगढ़ (अ० जा० आ०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कुन्दन सिंह पुत्र श्री कुन्दन सिंह मिश्र, ग्राम-कचरोटी, डा० गोवन्दगढ़, जिला अलवर (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विहित बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10 के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री कुन्दन सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०-वि० सं०/62/77(63)]

S.O. 989.—Whereas the Election Commission is satisfied that Shri Chandan Singh S/o Shri Kundan Singh Sikh, Village Kachroti, P.O. Govindgarh, Distt. Alwar (Rajasthan), a contesting candidate for general election to the Legislative Assembly held in June, 1977 from 62-Ramgarh constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chandan Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/62/77(63)]

का० आ० 990.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 65-राजगढ़ (अ० जा० आ०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री केहरीमल मीना पुत्र श्री जय किशन मीना, ग्राम मुनेरी, पो० जमबोली, तहसील-राजगढ़, जिला-अलवर (वर्तमान में कनिष्ठ लिपिक, आर० सी० पी० सब डिवीजन 20-डिवीजन फलौरी, आर० डी० 931 जोधपुर (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विहित बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10 के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री केहरीमल मीना को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०-वि० सं०/65/77(64)]

S.O. 990.—Whereas the Election Commission is satisfied that Shri Kehri Mal Meena, S/o Shri Jai Kishan Meena, Village Bhuleri, Post Jamdoli, Tehsil Rajgarh, District Alwar at present Junior clerk, RCP, Sub-division, 20th Armoured, Division RD. 931, Jodhpur (Rajasthan) a contesting candidate for general election to the House of the Rajasthan Legislative Assembly held in June, 1977 from 65-Rajgarh (ST) constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kehri Mal Meena to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/65/77(64)]

नई दिल्ली, 19 मार्च, 1980

का० आ० 991.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 78-सिंगरौली (अ० जा० आ०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बरसाती राम, ग्राम-परमदेही, पो० राजमेलान, जिला-सीधी, (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विहित बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10 के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बरसाती राम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म० प्र०-वि० सं०/78/77]

New Delhi, the 19th March, 1980

S.O. 991.—Whereas the Election Commission is satisfied that Shri Barsati Ram, Village Parasdehi, Post Office Rajmelaan, District Sidhi (Madhya Pradesh) a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 78-Singrauli (SC) constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Barsati Ram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/78/77]

का० आ० 992.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 317-सीतामऊ निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अम्बाराम, ग्राम व पोस्ट-करजू, परगना-मन्दासौर (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिए जाने पर भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण अथवा न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री अम्बाराम को संसद के किसी भी सदन के या विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रदेश की तारीख से तीन वर्ष का कालावधि के लिए निरहित घोषित करता है।

[सं० म० प्र०-वि० सं०/317/77]

S.O. 992.—Whereas the Election Commission is satisfied that Shri Ambaram, Village & P.O. Karju, Pargana Mandasaur, (Madhya Pradesh), a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 317-Sitamau constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ambaram to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/317/77]

नई दिल्ली, 20 मार्च, 1980

का० आ०. 993.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1977 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 4-गुना निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बुन्देलसिंह मजबूत सिंह, हनुमान कालीनी, वार्ड नं० 19, गुना (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिये जाने पर भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण अथवा न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10 क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बुन्देलसिंह मजबूत सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म० प्र०-सो० सं०/4/77]

New Delhi, the 20th March, 1980

S.O. 993.—Whereas the Election Commission is satisfied that Shri Bundelsingh Majbutsingh, Hanuman Colony, Ward No. 19, Guna (Madhya Pradesh) a contesting candidate for general election to the House of the People held in March, 1977 from 4-Guna constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bundel Singh Majbut Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-HP/4/77]

का० आ० 994.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून 1977 में हुए मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 240-भोपाल उत्तर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री लखनलाल शर्मा, नेहरू रोड, बेलदरपुरा, भोपाल, (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिये जाने पर भी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण अथवा न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री लखनलाल शर्मा को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म० प्र०-वि० सं०/240/77]

S.O. 994.—Whereas the Election Commission is satisfied that Shri Lakhna Lal Sharma, Nehru Road, Beldarpura, Bhopal (Madhya Pradesh) a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 240-Bhopal North constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Lakhna Lal Sharma to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/240/77]

का० प्रा० 995.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 170-सांचौर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री विधी चन्द, मीरपुरा, पो० गुन्दाऊ, तहसील-सांचौर, जिला-जालौर, (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार द्वारा दिए गए अभ्यावेदन पर विचार करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री विधी चन्द को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०-वि०स०/170/77(67)]

S.O. 995.—Whereas the Election Commission is satisfied that Shri Virdhi Chand, Meerpura, P.O. Gundau, Tehsil San-chore, District, Jalore, (Rajasthan), a contesting candidate for general election to the Rajasthan Legislative Assembly held in June, 1977 from 170-Sanchore constituency, has failed to lodge any account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Virdhi Chand to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/170/77(67)]

नई दिल्ली, 21 मार्च, 1980

का० प्रा० 996.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 153-भीलवाड़ा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री गणेश लाल, ग्राम-सलारिया, पो०-भोली, जिला-भीलवाड़ा, (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री गणेश लाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०-वि०स०/153/77(70)]

New Delhi, the 21st March, 1980

S.O. 996.—Whereas the Election Commission is satisfied that Shri Ganesh Lal, Village Salaria, P.O. Bholi, District Bhilwara, (Rajasthan), a contesting candidate for general election to the Rajasthan Legislative Assembly held in June, 1977 from 153-Bhilwara constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ganesh Lal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/153/77(70)]

का० प्रा० 997.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 153-भीलवाड़ा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री कन्हैयालाल बुलावत, बुलावत भवन, गांधीनगर, भीलवाड़ा, (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10 क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री कन्हैयालाल बुलावत को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० राज०-वि० स०/153/77(71)]

S.O. 997.—Whereas the Election Commission is satisfied that Shri Kanhiya Lal Bulawat, Bulawat Bhawan, Gandhinagar, Bhilwara, (Rajasthan), a contesting candidate for general election to the Rajasthan Legislative Assembly held in June, 1977 from 153-Bhilwara constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kanhiya Lal Bulawat to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/153/77(71)]

का० प्रा० 998.—यत्, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 153-भीलवाड़ा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री रामचन्द्र, वार्ड नं० 9, दरोगा मोहल्ला भीलवाड़ा, (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अधिष्ठित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यत्, उक्त उम्मीदवार ने, सम्बन्ध सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10 के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री रामचन्द्र को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है

[म० राज०-वि०स०/153/77(72)]

S.O. 998.—Whereas the Election Commission is satisfied that Shri Ram Chander, Ward No. 9, Daroga Mohalla, Bhilwara, (Rajasthan), a contesting candidate for general election to the Rajasthan Legislative Assembly held in June, 1977 from 153-Bhilwara constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ram Chander to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/153/77(72)]

का० प्रा० 999.—यत्, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 153-भीलवाड़ा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री शान्तिबाल, शान्तिबाल पार्सी, नगरी मोहल्ला, वार्ड नं० 3, भीलवाड़ा (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अधिष्ठित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और यत्, उक्त उम्मीदवार ने, सम्बन्ध सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10 के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री शान्तिबाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[म० राज०-वि०स०/153/77(73)]

S.O. 999.—Whereas the Election Commission is satisfied that Shri Shanti Lal, Shanti Lal Panni, Nagori Mohalla Ward No. 3, Bhilwara, (Rajasthan), a contesting candidate for general election to the Rajasthan Legislative Assembly held in June, 1977 from 153-Bhilwara constituency, has failed to lodge any account of his election expenses in the manner

required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Shanti Lal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/153/77(73)]

का० प्रा० 1000.—यत्, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के लिए साधारण निर्वाचन के लिए 153-भीलवाड़ा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री तारा चन्द मीधी, पुत्र श्री रीजूमल, मकान नं० 164, सिधुनगर, भीलवाड़ा (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अधिष्ठित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और यत्, उक्त उम्मीदवार ने, सम्बन्ध सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10 के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री तारा चन्द मीधी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[म० राज०-वि०स०/153/77(74)]

S.O. 1000.—Whereas the Election Commission is satisfied that Shri Tara Chand Sindhi, S/o Rizhumal, H. No. 164, Sindhunagar, Bhilwara (Rajasthan), a contesting candidate for general election to the Rajasthan Legislative Assembly held in June, 1977 from 153-Bhilwara constituency, has failed to lodge any account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Tara Chand Sindhi to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/153/77(74)]

का० प्रा० 1001.—यत्, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश, विधान सभा के लिए साधारण निर्वाचन के लिए 167-बायोद निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बंशीबाल, सी० एम० एम० एम०, डालीरासारा, जिला-बुरी, (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अधिष्ठित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यत्, उक्त उम्मीदवार ने, सम्बन्ध सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10 के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बंशीबाल को संसद के किसी भी सदन के या

किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म० प्र०-वि० सं०/167/77]

S.O. 1001.—Whereas the Election Commission is satisfied that Shri Banshilal, C. M. S. S. Dallirajhara, District Durg (Madhya Pradesh), a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 167-Balod constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Banshilal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/167/77]

का० आ० 1002.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश, विधान सभा के लिए साधारण निर्वाचन के लिए 193-पनागार निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री भन्डुल जहीर, 933/34 ठक्कर ग्राम, जबलपुर [वर्तमान में द्वारा डा० ए० एल० सान, एम० सी० बी० एम (रजिस्टर्ड) नं० 4021 तहसील-निवास, जिला-मन्डला (म० प्र०)], लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यावृत्ति नहीं है;

अतः अब, उक्त अधिनियम की धारा 10 क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री भन्डुल जहीर को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म० प्र०-वि० सं०/193/77]

S.O. 1002.—Whereas the Election Commission is satisfied that Shri Abdul Jahir, 933/34, Thakkargram, Jabalpur, Distt. Jabalpur [at present C/o Dr. A. L. San, M.B.B.S. Regd. No. 4021, Tehsil Niwas Dist. Mandla (Madhya Pradesh)], a contesting candidate for general election in the Madhya Pradesh Legislative Assembly held in June, 1977 from 193-Panagar constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Abdul Jahir to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/193/77]

का० आ० 1003.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 193-पनागार निर्वाचन क्षेत्र से चुनाव लड़ने वाले

उम्मीदवार श्री रवि शुकला 436/3, रानी दुर्गावती बाई नं० 27, गधा, जबलपुर [स्थायी पता : ग्राम-टिकारी पो-निरन्दपुर, तहसील व जिला-जबलपुर, (मध्य प्रदेश)], लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यावृत्ति नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री रवि शुकला को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म० प्र०-वि० सं०/193/77]

S.O. 1003.—Whereas the Election Commission is satisfied that Shri Ravi Shukla, 436/3, Rani Durgawati Ward No. 27 Gadha, Jabalpur, District Jabalpur [Permanent address; Vill. Tikaree, Post Nirandpur, Jabalpur, Teh. & Distt. Jabalpur (M.P.)], a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 193-Panagar constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ravi Shukla to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/193/77]

नई दिल्ली, 22 मार्च, 1980

का० आ० 1004.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश विधान सभा के लिए साधारण निर्वाचन के लिए 67-गुड निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री लालमणी, ग्राम व पो-गुड, रोवा, (मध्य प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यावृत्ति नहीं है;

अतः अब, उक्त अधिनियम की धारा 10क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री लालमणी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० म० प्र०-वि० सं०/67/77]

New Delhi, the 22nd March, 1980

S.O. 1004.—Whereas the Election Commission is satisfied that Shri Lalmani, Village & P.O. Gurh, Rewa, Madhya Pradesh, a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 67-Gurh constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Lalmani to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/67/77]

क्र० प्र० 1005.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश विधान सभा के लिए माधारण निर्वाचन के लिए 146-भानुप्रतापपुर (प्र० ज० जा०) निर्वाचन क्षेत्र में चुनाव लड़ने वाले उम्मीदवार श्रीमती फूलवती दुलार, ग्राम मेहरगांव, पो०-भानुप्रतापपुर, जिला-बस्तर मध्य प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिये जाने पर भी इस असफलता के लिए कोई कारण प्रस्तावित नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण न्यायोजित नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्रीमती फूलवती दुलार को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० म० प्र०-वि० सं०/146/77]

S.O. 1005.—Whereas the Election Commission is satisfied that Shrimati Phulbati Dular, Village Bhiragaon, Post Bhanupratappur, District Bastar (Madhya Pradesh), a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 146-Bhanupratappur (ST) constituency, has failed to lodge an account of her election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that she has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shrimati Phulbati Dular to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/146/77]

क्र० प्र० 1006.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए मध्य प्रदेश विधान सभा के लिए माधारण निर्वाचन के लिए 212-बग्घाट निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सत्यवानसिंग परते, ग्राम ब पो०-तयेगांव, तहसील जिला-सिबनी, मध्य प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिये जाने पर भी इस असफलता के लिए कोई कारण प्रस्तावित नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण न्यायोजित नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सत्यवानसिंग परते को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० म० प्र०-वि० सं०/212/77]

S.O. 1006.—Whereas the Election Commission is satisfied that Shri Satyawansing Parte, Village & Post Nayagion, Tahsil and District—Seoni, Madhya Pradesh, a contesting candidate for general election to the Madhya Pradesh Legislative Assembly held in June, 1977 from 212-Barghat constituency, has failed to lodge any account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Satyawansing Parte to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/212/77]

नई दिल्ली, 31 मार्च, 1980

क्र० प्र० 1007.—निर्वाचन आयोग का समाधान हो गया है कि जून, 1977 में हुए राजस्थान विधान सभा के साधारण निर्वाचन के लिए 184-सर्दारपुरा निर्वाचन क्षेत्र में चुनाव लड़ने वाले उम्मीदवार श्री दाऊ लाल, 1—बी रोड, सर्दारपुरा, कुम्हारों का बास जोधपुर (राजस्थान) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, समयक सूचना दिये जाने पर भी, इस असफलता के लिए कोई कारण प्रस्तावित नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण न्यायोजित नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री दाऊ लाल को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश से की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० राज० वि० सं०/184/77(68)]

आदेश से,

श्री० ना० नगर, अवर सचिव,

New Delhi, the 31st March, 1980

S.O. 1007.—Whereas the Election Commission is satisfied that Shri Dua Lal, 1st 'P' Road, Sardarpura, Kumbaron-Ka-Bas, Jodhpur, (Rajasthan), a contesting candidate for general election to the Rajasthan Legislative Assembly held in June, 1977 from 184-Sardarpura constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, the said candidate, even after due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Dau Lal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/184/77(68)]

By order,

O. N. NAGAR, Under Secy.

नई दिल्ली, 19 मार्च, 1980

क्र० प्र० 1008:—संक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में निर्वाचन आयोग मन् 1980 की निर्वाचन प्रती सं० 3 में उच्च न्यायालय, बम्बई द्वारा तारीख 28 फरवरी, 1980 को घोषित किया गया आदेश एतद्वारा प्रकाशित करता है।

[सं० 82/महा०/1980 का 3/80]

क० गणेशन, सचिव,

New Delhi, the 19th March, 1980

S.O. 1008.—In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the order pronounced on 28th February, 1980 by the High Court of Judicature at Bombay in Election Petition No. 3 of 1980.

HIGH COURT, ORIGINAL SIDE

Election Petition No 3 of 1980.

The Hon'ble Mr. Justice B. Lentin.

To be referred to the Reporter or not ?

to be shown to the Reporters of the local newspapers or not ?

Warkhedkar Venkatesh (Balacharaya)

Pradumnacharya ... Petitioner

v/s.

Kuchhan Gangadhar Sidram and another ... Respondents.

Petitioner-in-person assisted by Mr. V. N. Ramanathan.

Coram : Lentin J.

28th February, 1980.

ORAL ORDER :

At the request of the petitioner, Mr. Ramanathan was allowed to assist him by making submissions on his behalf. This is an utterly misconceived election petition ex facie without the slightest vestige of any cause of action.

By this election petition, the petitioner seeks a declaration that the election of all the Lok Sabha candidates of the National Congress (I) Party including the two respondents be declared void. At this stage, the petitioner makes an oral statement that he only desires to have set aside the election of the two respondents to this petition.

Elections to the Lok Sabha were held on 3rd and 6th January, 1980 and the respondents were declared elected on 7th January, 1980. According to the petitioner in the petition the Constitution of India confers fundamental rights namely to protect, profess, propagate and practice caste, religion and culture for all citizens of India individually. Therefore, according to him the Constitution of India "conforms indivi-

dualism religionism, casteism'. The petition proceed to state that the Constitution has not conferred, socialism, communism, secularism. But respondent parties profess socialism, secularism and anti-casteism. Thus, according to the petitioner, the respondents' oath of allegiance to Constitution is false. The petition further states that on the same grounds it proves that the respondents owe allegiance to a foreign state, with the result that the respondents are not eligible to be candidates of Lok Sabha. In paragraph 4, the petitioner has given his conception of socialism, secularism and anti-casteism, viz., that socialism means that all property rights are vested in the nation and not in the individual, that secularism means that there is no existence of any religion and if there is any, it is not necessary for the welfare of India, and that anti-casteism means caste distinction which prohibits the welfare of the nation. The petition urges that caste distinction should, therefore, be abolished and proceeds to state that all political parties except the Ramrajya Parishad profess, practise socialism, secularism and anti-casteism. However, articles 15, 25, 26 and 29 of the Constitution of India have conferred the same fundamental rights to protect, profess, practise and propagate their race, caste, sex, religion, religious denomination and culture to every citizen individually with the result that the Constitution confers individualism, religionism, casteism, and does not confer socialism, secularism or anti-casteism.

The next grievance of the petitioner in the petition is that the "candidates of the political parties when elected, try to pass certain laws interfering with the caste, religion and denominations relating to marriage adoption, succession managements of temples, maths, lands and houses also try to prevent or abolish holiness and rights enjoined by religions." This, according to the petitioner, prevents the people, including the petitioner, from enjoying the fundamental rights guaranteed by the Constitution. The illustrations given in the petition are that the people cannot marry their daughters before puberty; they are forced "to share their secession rights with hybrid progeny"; they cannot manage and worship maths and temples which are famous in puranas like Vitthal Mandir of Pandharpur of the Datta Temple of Shedgaon modernly created according to Vedic rights. Thereby, according to the petitioner, he and the people are put to great loss by the passing of laws tampering with age-long religious rules and practices. According to the petitioner, the guarantees given by the fundamental rights in the Constitution should be honoured and people should be allowed to practice them freely without the interference of anti-religious laws in accordance with article 51(a) of the Constitution. Lok Sabha candidate members and ministers are obliged to take oath of allegiance to the Constitution before and after the election and their oaths are "of promises and agreements". The respondents have already taken their oath but have taken an oath which is false, fraudulent, illegal, null and void. Their activities are against the Constitution and the respondents party owes allegiance to foreign nations like America, Russia, China, etc. Because they profess socialism, secularism and communism which emanate from foreign nations, the respondents act against their fundamental duties under the Constitution; they also change their party from time to time and quarrel with each other. Thus, the respondents and the other candidates of their party are not eligible to be Members of the Lok Sabha and are not eligible for ministership. Therefore the Congress (I) Party which has formed the ministry should be restrained from doing so and with that aim the petitioner has filed the present petition. He further contends in the petition that Hindu religion means "acceptance of Vedas with reverence etc." but the 2nd respondent is not accepting the Vedas and professes the Buddha Dharama. The 2nd respondent's caste certificate cannot prove that he is a follower of Vedic Hindu religion.

Such is the paraphrase of the petition the contents whereof are vague, irrelevant and rambling. It is clearly misconceived, discloses no cause of action whatsoever and merits summary rejection without further waste of public time. Petition rejected. Prothonotary and Senior Master to give the requisite information to the concerned authorities. The security deposit of Rs. 2,000 to be refunded to the petitioner

[No. 82/MT/3 of 1980/80]

K. GANESAN, Secy.

वित्त मंत्रालय

(राजस्व विभाग)

मई दिल्ली, 7 फरवरी, 1980

आयकर

का० आ० 1009.—इस विभाग की अधिसूचना सं० 2137 (फा० सं० 203/3/78—आई टी ए 2) सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् भारतीय आयुर्विज्ञान अनुसंधान परिषद् ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6(ii) के साथ पठित, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिये आयुर्विज्ञान अनुसंधान के क्षेत्र में “वैज्ञानिक अनुसंधान संगठन” प्रथम के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्:—

- (1) यह कि संस्थान आयुर्विज्ञान अनुसंधान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का हिस्सा पृथक से रखेगा।
- (2) उक्त संस्थान प्रत्येक वित्तीय वर्ष के लिये अपने वैज्ञानिक अनुसंधान संबंधी क्रिया कलाओं की एक वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 31 मई तक ऐसे प्रारूपों में प्रस्तुत करेगा जो इस प्रयोजन के लिये अधिकृत किये जाएं और उसे सूचित किये जाएं।
- (3) संस्थान प्रत्येक वित्तीय वर्ष के लिये परिषद् के लेखा के वार्षिक संपरीक्षित विवरण की एक प्रति हर वर्ष 31 मई तक प्रस्तुत करेगा और उसके प्रतिरूपित उसकी एक प्रति संबद्ध आयकर आयुक्त को भेजेगा।

संस्था

भारतीय योग और सहबद्ध विज्ञान अनुसंधान संस्थान, निकटति यह अधिसूचना 17-12-1979 से 16-12-1982 तक 3 वर्ष की अवधि के लिए प्रवृत्त होगी।

[सं० 3177 (फा० सं० 203/24/80—आई० टी० ए० ii)]

MINISTRY OF FINANCE

(Department of Revenue).

New Delhi, the 7th February, 1980

INCOME TAX

S.O. 1009.—In continuation of this Department's notification No. 2137 (F. No. 203/3/78-ITA. II) dated 28th January, it is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Medical Research, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, read with Rule 6(ii) of the Income-tax Rules, 1962 under the category of “Scientific Research Association” in the field of medical research, subject to the following conditions :—

1. That the Institute will maintain a separate account of the sums received by it for scientific research in the field of medical research.
2. That the Institute will furnish annual returns of its scientific research activities to the council for each year by 31st May, each year at the latest in such form as may be laid down and intimated to them for this purpose.
3. That the Institute will furnish a copy of the annual audited statement of accounts to the Council for each year by 31st May each year and in addition send a copy of it to the concerned Income-tax Commissioner.

INSTITUTION

The Indian Institute of Research in Yoga and Allied Sciences, Tirupati.

This notification is effective for a period of 3 years from 17-12-1979 to 16-12-1982.

[No. 3177 (F. No. 203/24/80-ITA. II)]

का० आ० 1010.—इस विभाग की अधिसूचना सं० 2219 (फा० सं० 203/27/78—आई टी ए II) तारीख 15 मार्च, 1978 के क्रम में सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् भारतीय आयुर्विज्ञान परिषद् ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6(ii) के साथ पठित, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खण्ड (ग) के प्रयोजनों के लिए आयुर्विज्ञान अनुसंधान के क्षेत्र में “वैज्ञानिक अनुसंधान संगठन” प्रथम के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्:—

1. यह कि संस्था आयुर्विज्ञान अनुसंधान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का हिस्सा पृथक से रखेगी।
2. उक्त संस्था प्रत्येक वित्तीय वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की एक वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 31 मई तक ऐसे प्रारूपों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किए जाएं और उसे सूचित किए जाएं।
3. उक्त संस्था प्रत्येक वित्तीय वर्ष के लिए परिषद् के लेखा के वार्षिक विवरण की एक प्रति हर वर्ष 31 मई तक प्रस्तुत करेगा और इसके प्रतिरूपित उसकी एक प्रति संबद्ध आयकर आयुक्त को भेजेगी।

संस्था

वाई जेरबाई वाडिया शिशु हस्पताल और शिशु स्वास्थ्य संस्थान, मुम्बई

यह अधिसूचना 12-1-80 से 11-1-1983 तक 3 वर्ष की अवधि के लिए प्रवृत्त होगी।

[सं० 3178 (फा० सं० 203/23/80—आई टी ए-II)]

जे० पी० शर्मा, निदेशक

S.O. 1010.—In continuation of this Department's Notification No. 2219 (F. No. 203/27/78-ITA. II) dated the 15th March 1978, it is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Medical Research, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, read with Rule 6(ii) of the Income-tax Rules, 1962, under the category of “Scientific research Association” in the field of medical research subject to the following conditions :—

1. That the Institute will maintain a separate account of the sums received by it for scientific research in the field of medical research.
2. That the Institute will furnish annual returns of its scientific research activities to the council for each year by 31st May, each year at the latest in such form as may be laid down and intimated to them for this purpose.
3. That the Institute will furnish a copy of the annual audited statement of accounts to the Council for each year by 31st May each year and in addition send a copy of it to the concerned Income-tax Commissioner.

INSTITUTION

Bai Jerbai Wadia Hospital for Children and Institute of Child Health, Bombay.

This notification is effective for a period of 3 years from 12-1-1980 to 11-1-1983.

[No. 3178 (F. No. 203/23/80-ITA. II)]

J. P. SHARMA, Director

आर्थिक कार्य विभाग

(बैंकिंग प्रभाग)

नई दिल्ली, 7 अप्रैल, 1980

का० आ० 1011.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10-ख की उपधारा (9) के उपबन्ध, 25 जून, 1980 तक विजया बैंक लिमिटेड, मंगलौर पर उक्त उस सीमा तक लागू नहीं होंगे जहां तक वे इस बैंक पर चार माह की अवधि से ऊपर अध्यक्ष पद का कार्य करने के लिये किसी व्यक्ति की नियुक्ति पर रोक लगाते हैं।

[सं० 15(30)-बी० प्रो०-III/79]

एन० डी० बत्रा, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 7th April, 1980

S.O. 1011.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendations of the Reserve Bank of India, hereby declare that the provisions of sub-section (9) of Section 10-B of the said Act shall not, to the extent they preclude the bank from appointing a person to carry out the duties of a Chairman beyond a period of

four months, apply to the Vijaya Bank Ltd., Mangalore, upto the 25th June, 1980.

[No. 15(30)-B.O.III/79]

N. D. BATRA, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 25 फरवरी, 1980

आय-कर

का० आ० 1012.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 121-क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और पूर्वतन अधिसूचना सं० 3075 (का० सं० 261/5/79-आई० टी० जे०), तारीख 23-11-1979 को अधि-क्रान्त करते हुए, यह निदेश देता है कि नीचे अनुसूची के स्तम्भ (1) में विनिर्दिष्ट भारसाधनों के आय-कर आयुक्त (अपील), उसके स्तम्भ (2) और (3) में तत्सम्बन्धी प्रविष्टियों में विनिर्दिष्ट आय-कर वाहों, सकल, जिलों और रेंजों में आय-कर या अति-कर या व्याज-कर से निर्धारित उसे व्यक्तियों के बारे में, जो आय-कर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खण्ड (क) से (ज) तक, कम्पनी (नाम) अतिकर अधिनियम, 1964 (1964 का 7) की धारा II की उपधारा (1) और व्याज-कर अधिनियम, 1974 (1974 का 45) की धारा 15 की उपधारा (1) में उल्लिखित किसी भी आदेशों से व्युत्पन्न हैं, और ऐसे व्यक्तियों या व्यक्ति वर्ग की बाबत भी, जिनके लिए बोर्ड ने आय-कर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खण्ड (1) के उपबन्धों के अनुसार निदेश दिया है या भविष्य में निदेश दें, कृपया का पालन करेंगे।

अनुसूची

भारसाधन और मुख्यालय	आय-कर वाह/ सकल और जिला	सहायक आय-कर आयुक्त (निरीक्षण) के रेंज
1	2	3
आयुक्त (अपील)-I मुम्बई	कम्पनी सकल I (1) से I (5) तक ग II वाह निष्क्रान्त सकल I और II आय-कर अधिकारी विशेष सकल I आय-कर अधिकारी सर्वेक्षण सकल I और II	विशेष रेंज I
आयुक्त (अपील)-II, मुम्बई	कम्पनी सकल II (1) से I(5) तक छोड़कर ख II वाह फिल्म सकल क V वाह ख I वाह क II वाह बाजार वाह आय-कर अधिकारी, विशेष सकल II और IIक, मुम्बई सकल	विशेष रेंज II
आयुक्त (अपील)-III, मुम्बई	कम्पनी सकल II(1) से II(4) तक विदेशी कम्पनी, सकल I सम्पदा शुल्क सकल एन आर आर सी क I वाह आय-कर अधिकारी, विशेष सकल VIII	विशेष रेंज VIII विदेशी कम्पनी रेंज I

1	2	3
<p>आयुक्त (अपील) IV मुम्बई</p> <p>आयुक्त (अपील) IV, मुम्बई</p> <p>आयुक्त (अपील) VI मुम्बई</p> <p>आयुक्त (अपील) VII, मुम्बई</p> <p>आयुक्त (अपील) VIII, मुम्बई</p> <p>आयुक्त (अपील) IX, मुम्बई</p> <p>आयुक्त (अपील) X, मुम्बई</p> <p>आयुक्त (अपील) XI, मुम्बई</p> <p>आयुक्त (अपील) XII मुम्बई</p> <p>आयुक्त (अपील) XIII मुम्बई</p>	<p>कम्पनी सक्ति II, जिसमें II (1) से II (4) तक नहीं है। विशेष कम्पनी सक्ति II अ वाई वृत्तिक वाई आ०क०अ०, विशेष सक्ति VII और VIIक कम्पनी सक्ति IV आ० क० अ० विशेष सक्ति IV और IVक न्याय सक्ति बी और सी विदेशी अनुभाग कम्पनी सक्ति-V आ० क० अ०, विशेष सक्ति-V कम्पनी सक्ति-III आ० क० अ० विशेष सक्ति-III और IIIक कम्पनी सक्ति-VI आ०क०अ० विशेष सक्ति VI और VIक घ I वाई घ II वाई ग IV वाई आ०क०अ० विशेष सक्ति IX क IV वाई क III वाई ख III वाई ग III वाई ग V वाई वेन शाखा I वेन शाखा II नामिक और थाना के आ०क० आयुक्तों की अधिकारिता में उत्पाद शुल्क सक्तियों सहित सभी वाई और सक्ति बी एस डी (पश्चिम) बी एस डी (उत्तर) छ-वाई छक-वाई ड०-वाई बी एस डी (पूर्व) बी एस डी (वर्षा) ग I वाई हुंडी सक्ति आय-कर अधिकारी केन्द्रीय सक्ति 1 से XIV तक मुम्बई आय-कर अधिकारी, केन्द्रीय सक्ति XV से XXVIII तक, मुम्बई</p>	<p>विशेष रेंज VII और VIIक विशेषी कम्पनी रेंज-II</p> <p>विशेष रेंज IV और IVक</p> <p>विशेष रेंज V</p> <p>विशेष रेंज III और IIIक</p> <p>विशेष रेंज VI और VIक</p> <p>विशेष रेंज IX</p> <p>1 थाना रेंज 2 नामिक रेंज</p> <p>केन्द्रीय रेंज III</p> <p>केन्द्रीय रेंज-VI</p>

(यह अधिसूचना 10-3-1980 से प्रभावी होगी।)

जहाँ कोई आय-कर सफल, बाई या जिला या उसका भाग इस अधिसूचना द्वारा एक भारसाधन से किसी अन्य भारसाधन को अन्तर्गत हो जाता है, वहाँ उन आय-कर सफल बाई या जिले या उसके भाग में किए गए निष्कारणों से उत्पन्न होने वाली और उस भारसाधन के, जिससे वह आय-कर सफल, बाई या जिला या उसका भाग अन्तर्गत हुआ है, आय-कर आयुक्त के समक्ष इस अधिसूचना की तारीख के ठीक पूर्व संबंधित अपीलें उस तारीख से जिस तारीख को यह अधिसूचना प्रभावी होती है, उन भारसाधन रैंज के, जिसको उक्त सफल, बाई या जिला या उसका भाग अन्तर्गत हुआ है, आय-कर आयुक्त को अन्तर्गत की जाएगी और वही उन पर कार्यवाही करेगा।

[सं० 3193 (फा० सं० 261/1/80-ग्राह० टी० जे०)]

एस० के० भटनागर, प्रवर सचिव,
केन्द्रीय प्रत्यक्ष कर बोर्ड

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 25th February, 1980

INCOME-TAX

S.O. 1012.— In exercise of the powers conferred by sub-section (1) of Section 121 A of the Income-tax Act, 1961 (43 of 1961) and in supersession of the previous notifications No. 3075 (F. No. 261/5/79-IT) dated 23-11-79 the Central Board of Direct taxes, hereby directs that the Commissioner of Income-tax (Appeals) of the Charges specified in column (1) of the Schedule below, shall perform their functions in respect of such persons assessed to income-tax or surtax or interest-tax in the Income-tax Wards, Circles, Districts and Ranges specified in the corresponding entries in column (2) and column (3) thereof as are aggrieved by any of the orders mentioned in clause (a) to (h) of sub-section (2) of Section 246 of the Income-tax Act, 1961, in sub-section (1) of Section II of Companies (Profits) Surtax Act, 1964 (7 of 1964), and in sub-section (1) of Section 15 of the Interest-tax Act, 1974 (45 of 1974) and also in respect of such persons or classes of persons as the Board has directed or may direct in future in accordance with the provisions of clause (i) of sub-section (2) of section 246 of the Income-tax Act, 1961.

SCHEDULE

Charges with	Income-tax Ward/Circle & Districts	Ranges of Inspecting Assistant Commissioners of Income-tax.
1	2	3
Commissioner (Appeals) I, Bombay	Com. Circle I(1) to I(5) C-II Ward Evacuees Circle I & II ITOs Special Circle I ITOs Survey Circle I & II	Special Range I
Commissioner (Appeals) II, Bombay	Com. Cir I excluding I(1) to I(5) B II Ward Film Circle A-V Ward B-I Ward Market Ward A-II Ward ITOs Spl. Circle II & IIA Bombay Circle	Special Range II & IIA
Commissioner (Appeals) III, Bombay	Com. Ch. II(1) to II(4) Foreign Com. Circle I Estate Duty Circle N.R.R.C. A I, Ward ITOs Spl. Circle-VIII	Special Range VIII Foreign Com. Range-I
Commissioner (Appeals) IV, Bombay	Com. Cir.-II excluding II(1) to II(4) Foreign Com. Circle II X-Ward. Professional Circle ITOs, Spl. Circle-VII & VIIA	Special Range-VII & VII A Foreign Com. Range II
Commissioner (Appeals) V, Bombay	Com. Circle IV ITOs, Spl. Circle-IV & IV-A Trust Circle B.R.C. Foreign Section	Special Range-IV & IVA
Commissioner (Appeals) VI, Bombay	Com. Circle-V ITOs, Spl. Circle-V	Special Range V.
Commissioner (Appeals) VII, Bombay	Comp. Circle-III ITOs, Spl. Circle-III & IIIA	Special Range III & IIIA
Commissioner (Appeals) VIII, Bombay	Companies Circle-VI ITOs, Spl. Circle-VI & VI A	Special Range VI & VIA
Commissioner (Appeals) IX, Bombay	D-I Ward D-II Ward C-IV Ward ITOs, Spl. Cir.-JX	Special Range IX
Commissioner (Appeals) X, Bombay	A-IV Ward A-III Ward B-III Ward C-III Ward C-V Ward Salaries Branch I Salaries Branch II T.D.S. Circle All Wards and Circles including E.D. Circles, within the jurisdiction of I.A.Cs. of Nasik and Thana.	1. Thana Range 2. Nasik Range

1	2	3
Commissioner (Appeals)-XI, Bombay	B.S.D. (West) B.S.D. (North) G-Ward GA-Ward E-Ward B.S.D. (East) B.S.D. (South) C-I Ward Hundi Circle	
Commissioner (Appeals)-XII Bombay	Income-tax Officer, Central Circle I to XIV, Bombay	Central Range III
Commissioner (Appeals)-XIII, Bombay	Income-tax Officers Central Circle XV to XXVIII, Bombay.	Central Range VI

This notification shall take effect from 10-3-1980.

Whereas an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Charge to another Charge, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Commissioner of Income-tax, of the Charge from whom the Income-tax Circle, Ward or District or part thereof is transferred shall, from the date of this notification takes effect, be transferred to and dealt with by the Commissioner of Income-tax of the charge to whom the said circle, ward or district or part thereof is transferred.

[No. 3193 (F. No. 261/1/80-ITJ)]

S. K. BHATNAGAR, Under Secy.

(राजस्व और बैंकिंग विभाग)
(केन्द्रीय उत्पाद शुल्क के समाहर्ता का कार्यालय)

हैदराबाद, 6 मार्च, 1980

CENTRAL BOARD OF DIRECT TAXES

(Department of Revenue and Banking)

(Office of the Collector of Central Excise)

Hyderabad, the 6th March, 1980

का० प्रा० 1013.—सीमा शुल्क अधिनियम 1962 की धारा 8(ए) और 8(बी) के अधीन, मैं यह घोषित करता हूँ कि—

(i) हैदराबाद हवाई अड्डा, बेगमपेट, हैदराबाद-500019 को "ऐयरपोर्ट" ज़िम्मेकी लम्बाई 303.34 मीटर, और चौड़ाई 151.67 मीटर है, निर्यात और आयात माल को उतारने और चढ़ाने का उपयुक्त स्थान है, तथा

(ii) पूरा का पूरा हवाई अड्डा जिसका माप 31,56,650 स्क्वायर मीटर है (उत्तर से दक्षिण 1040 मीटर पूर्व से पश्चिम 3640 मीटर) जिसमें टर्मिनल कम्प्लेक्स, हवाई अड्डा, कंट्रोल टावर, उड़ान पट्टी, टारमेक पार्किंग बेस, ऐयरलाइन के कार्यालय, भवन तथा तेल इंस्टालेशन्स सम्मिलित हैं, निम्नलिखित अट्टाने से घिरे हुए क्षेत्र को "कस्टम क्षेत्र" घोषित किया गया है :—

[आहाता :—

उत्तर : कन्टोनमेंट स्कूल, बोवेनपल्ली रोड, स्विमिंग पूल
दक्षिण : बेगमपेट रोड (हैदराबाद से सिकन्दराबाद तक)
पूर्व : बोवेनपल्ली रोड।
पश्चिम : बम्बई जानेवाली रेल लाइन।

ऐयर कार्गो कम्प्लेक्स, हैदराबाद का कार्यालय मकान नंबर 1-11-256/1, हैदराबाद-500019 में उपर्युक्त अट्टाने के अन्तर स्थित है।]

[अधिसूचना सं० 1/80(कस)/सी० नं० 8/1/6/79(कस)]

एच० आर० सिएम, समाहर्ता

S.O. 1013.—Under Section 8(a) and (b) of the Customs Act, 1962 I declare :—

(i) the APRON comprising 303.34 metres length and 151.67 metres width of Hyderabad Airport, Begumpet, Hyderabad-500019 as proper place for loading and unloading of export and import cargo, and

(ii) the whole of the Aerodrome area measuring 31,56,650 Sq. metres (North to South 1040 metres, East to West 3640 metres) including the terminal complex, Airport, Control Tower, Runways, the tarmac, Parking bays, Airline Offices, building and Oil installations bounded by the following as the customs area.

[Boundaries : North : Cantonment School, Bowenpally Road, Swimming Pool.

South : Begumpet Road (From Hyderabad to Secunderabad)

East : Bowenpally Road.

West: Railway line to Bombay.

(The Office of the Air Cargo Complex, Hyderabad is situated in H. No. 1-11-256/1, Hyderabad-500019 within the above boundaries.)]

[F. No. 1/80 (CUS)/Issued C. No. VIII/1/6/79-Cus]

H. R. SYIEM, Collector

वार्णिज्य एवं नागरिक आपूर्ति मंचालय

(वार्णिज्य विभाग)

नई दिल्ली, 31 मार्च, 1980

(तम्बाकू उद्योग विकास निदेशन)

का० प्रा० 1014.—केन्द्रीय सरकार, तम्बाकू बोर्ड नियम, 1976 के नियम 3 और 4 के साथ पठित तम्बाकू बोर्ड अधिनियम, 1975 (1975 का 4) की धारा 4 की उपधारा (4) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तम्बाकू बोर्ड में 10 जनवरी, 1980 को डा० आर० एस० नागवास, सचिव

निदेशक कृषि (उद्यान-कृषि), महाराष्ट्र सरकार, पुणे और डा० अनिरुद्ध मिश्र, आचार्य और विभागाध्यक्ष सस्य-विज्ञान, कृषि और प्रौद्योगिकी विश्वविद्यालय, उड़ीसा, भुवनेश्वर की पदावधि पूर्ण हो जाने के कारण हुई दो रिक्तियों पर, श्री सी० शंकरनारायणन, अपर निदेशक कृषि (विस्तार), मद्रास और श्री के० के० राधेर, उपसचिव, कृषि विभाग, उत्तर प्रदेश सरकार, लखनऊ को सम्बन्धित बोर्ड के सदस्यों के रूप में नियुक्त करती है और भारत सरकार के भूतपूर्व वाणिज्य, नागरिक पूर्ति और सहकारिता मंत्रालय (वाणिज्य विभाग) की अधिसूचना संख्या 100(अ), तारीख 19 फरवरी, 1979 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, क्रम संख्यांक 21 और 22 और उसमें संबंधित प्रविष्टियों के स्थान पर निम्नलिखित संख्यांक और प्रविष्टियाँ रखी जाएंगी, अर्थात् :—

- | | | |
|--|--------------|---|
| <p>"21. श्री सी० शंकरनारायणन,
अपर कृषि निदेशक, (विस्तार),
कार्यालय निदेशक, कृषि, चेपाक,
मद्रास, 600005</p> | <p>सदस्य</p> | <p>तमिलनाडु सरकार का प्रतिनिधित्व करने के लिए।</p> |
| <p>22 श्री के० के० राधेर,
उप सचिव, कृषि विभाग,
उत्तर प्रदेश सरकार,
लखनऊ</p> | <p>सदस्य</p> | <p>उत्तर प्रदेश सरकार का प्रतिनिधित्व करने के लिए।"</p> |

[काष्ठ सं० 8/14/79-ई० पी० (कृषि 6)]

आ० पी० गुप्त, डेस्क अधिकारी

MINISTRY OF COMMERCE & CIVIL SUPPLIES

(Department of Commerce)

New Delhi, the 31st March, 1980

(TOBACCO INDUSTRY DEVELOPMENT CONTROL)

S.O.1014.—In exercise of the powers conferred by clause (d) of sub-section (4) of section 4 of the Tobacco Board Act, 1975 (4 of 1975), read with rules 3 and 4 of the Tobacco Board Rules, 1976, the Central Government hereby appoints Shri C. Sankaranarayanan, Additional Director of Agriculture (Extension), Madras and Shri K.K. Radher, Deputy Secretary, Agriculture Department, Government of Uttar Pradesh, Lucknow, as Member of the Tobacco Board in the two vacancies caused by completion of existing term on 10th January, 1980 of Dr. R. H. Nagpal, Joint Director of Agriculture (Horticulture), Government of Maharashtra, Pune, and Dr. Anirudha Misra, Professor and Head of Department of Agronomy, Orissa University of Agriculture and Technology, Bhubaneswar, and makes the following further amendments in the notification of the Government of India in the late Ministry of Commerce, Civil Supplies and Cooperation, (Department of Commerce) No. 103(E) dated the 19th February, 1979, namely:—

In the said notification, for Serial Nos. 21 and 22 and the entries relating thereto, the following Serial Nos. and entries shall be substituted, namely:—

- "21. Shri C. Sankaranarayanan, Additional Director of Agriculture (Extension), Office of the Director of Agriculture, Chepauk, Madras-600005. Member:—To represent the Government of Tamil Nadu.
22. Shri K.K. Radher, Deputy Secretary, Agriculture Department Govt. of Uttar Pradesh, Lucknow. Member:—To represent the Government of Uttar Pradesh.

[File No. 8/14/79-EP(Agri, vi)]

O. P. GUPTA, Desk Officer

आदेश

नई दिल्ली, 19 अप्रैल, 1980

का० आ० 1015.—भारत के निर्यात व्यापार के विकास के लिए प्रसाधन साबुन को निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन लाने के लिए कतिपय प्रस्ताव निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) की अपेक्षानुसार भारत सरकार के वाणिज्य मंत्रालय के आदेश सं० का० आ० 865 तारीख 10 मार्च, 1979 के अधीन भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 10 मार्च, 1979 में प्रकाशित किए गए थे;

और उक्त राजपत्र की प्रतियाँ जनता को 13 मार्च, 1979 को उपलब्ध करा दी गयी थीं,

और उनसे प्रभावित होने वाले सभी व्यक्तियों से 24 अप्रैल, 1979 तक आक्षेप तथा सुझाव मांगे गए थे;

और उक्त प्रारूप पर जनता से प्राप्त आक्षेपों और सुझावों पर केन्द्रीय सरकार द्वारा विचार कर लिया गया है।

अतः, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, निर्यात निरीक्षण परिषद् से परामर्श करने के पश्चात् अपनी यह राय होने पर कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक तथा समीचीन है इसके द्वारा :—

- (1) अधिसूचित करती है कि प्रसाधन साबुन निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे;
- (2) प्रसाधन साबुन का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1980 के अनुसार क्वालिटी नियंत्रण और निरीक्षण के प्रकार को क्वालिटी नियंत्रण और निरीक्षण के ऐसे प्रकार के रूप में विनिर्दिष्ट करती है जो निर्यात से पूर्व ऐसे प्रसाधन साबुन को लागू होगा;
- (3) (क) सुसंगत भारतीय मानक विनिर्देशों या विदेश के अन्य राष्ट्रीय मानक विनिर्देशों को;
- (ख) जेता और विक्रेता के मध्य करार पाए गए उन संविदात्मक विनिर्देशों को जो ऊपर (क) के अन्तर्गत नहीं हैं किन्तु निर्यात निरीक्षण परिषद् द्वारा अनुमोदित हैं;

(ग) निर्यातकर्ता द्वारा घोषित ऐसे विनिर्देशों को जो निर्यात-कर्ता तथा विदेशी केता के मध्य निर्यात संविदा के लिए विनिर्देशों के रूप में करार पाए हैं, ऐसी निर्यात संविदाओं के लिए जो राजपत्र में इस आदेश के प्रकाशन की तारीख के पूर्व प्रेषित हो गयी हैं तथा उस तारीख से साठ दिनों की अवधि के भीतर निर्यात कर दिया गया है;

प्रसाधन साबुन के लिए मानक विनिर्देशों के रूप में मान्यता देती है।

(4) अन्तर्राष्ट्रीय व्यापार के अनुक्रम में ऐसे प्रसाधन साबुन के निर्यात को जब तक प्रतिषिद्ध करती है जब तक कि उसके साथ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन केन्द्रीय सरकार द्वारा स्थापित किसी अधिकरण द्वारा जारी किया गया इस आशय का प्रमाणपत्र न हो कि प्रसाधन साबुन उपरोक्त मानक विनिर्देशों के अनुरूप है या उस पर केन्द्रीय सरकार द्वारा उक्त अधिनियम की धारा 8 के अधीन मान्य मुद्रा या चिह्न लगाए गए हैं।

2. इस आदेश की कोई भी बात :—

(क) भावी सैताओं को भू-मार्ग, वायु-मार्ग या समुद्र-मार्ग द्वारा प्रसाधन साबुन (5 किलोग्राम से अधिक) के वास्तविक नमूनों के निर्यात को लागू नहीं होगी।

(ख) प्रसाधन साबुन के उन विशेषणों के निर्यात को लागू नहीं होगी जो इस आदेश के राजपत्र में प्रकाशन की तारीख से ठीक पूर्व विनिर्माता के या निर्यातकर्ता के परिसर से जा चुके हैं।

3. इस आदेश में "प्रसाधन साबुन" से अपारदर्शी या पारदर्शी प्रसाधन साबुन अभिप्रेत है जो पूरी तरह से साबुनीकृत, मिल द्वारा तैयार किया गया या मिल द्वारा न तैयार किया गया या सफेद रंगीन या पारदर्शी, मुगधित और बवाए हुए रूप में या पक्की बिकनी टिकी के रूप में है जिसमें अच्छी सफाई तथा झाग देने वाली विशेषताएँ होंगी। मृगंध और आर्द्रता तथा बाष्पशील पदार्थ के अतिरिक्त प्रसाधन साबुन में रंगीन पदार्थ, परिरक्षक, चिकित्साकीय, अत्यधिक बमामय पदार्थ तथा ऐसे अतिरिक्त पदार्थ हो सकते हैं जो लेबल पर घोषित किए गए हैं पारदर्शी प्रसाधन साबुन में शर्करा तथा ग्लिसरीन हो सकते हैं। साबुन के साथ प्रयोग करने में उपरोक्त सभी सामग्री हानि रहित होगी।

4. यह आदेश राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगा।

[सं० 6(29)/76-नि० नि० तथा नि०उ०]

ORDERS

New Delhi, the 19th April, 1980

S.O. 1015.—Whereas for the development of the export trade of India, certain proposals for subjecting toilet soaps to quality control and inspection prior to export, were published as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964 in the Gazette of India, Part II-Section 3-Sub-section (ii), dated the 10th March, 1979, under the order of the Government of India in the Ministry of Commerce No. S. O. 865, dated the 10th March, 1979;

And whereas the copies of the said Gazette were made available to the public on the 13th March, 1979 :

And whereas the objections and suggestions were invited till the 24th April, 1979 from all persons likely to be affected thereby:

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government.

Now, therefore, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting

the Export Inspection Council, being of opinion that it is necessary and expedient so to do for the development of the export trade of India, hereby :—

(1) notifies that toilet soaps shall be subject to quality control and inspection prior to export;

(2) specifies the type of quality control and inspection in accordance with the Export of Toilet Soap (Quality Control and Inspection) Rule, 1980, as the type of quality control and inspection which would be applied to such Toilet soaps prior to export :

(3) recognises—

(a) the relevant Indian Standard Specification, or other national standard specifications of a foreign country;

(b) the contractual specifications, as agreed upon between the buyer and the exporter, not falling under (a) above, but approved by Export Inspection Council,

(c) the specifications declared by the exporter to be the agreed specifications of the export contract between the foreign buyer and the exporter, for such export contracts as are confirmed prior to the date of publication of this order in the Official Gazette and exported within a period of sixty days from that date;

as the standard specification for toilet soaps :

4. prohibits the export in the course of international trade of such toilet soaps unless the same is accompanied by a certificate issued by an agency established by the Central Government under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), to the effect that the toilet soaps conforms to the aforesaid standard specifications or affixed with a seal or mark recognised by the Central Government under section 8 of the said Act.

2. Nothing in this Order shall apply to the export of :—

(a) bona fide samples of toilet soaps by land, sea or air (not exceeding 5 Kilograms) to the prospective buyers

(b) consignments of toilet soaps which might have already left the premises of the exporter or manufacturer immediately prior to the date of publication of this Order in the Official Gazette.

3. In this Order "toilet soaps shall mean opaque or transparent toilet soaps, thoroughly saponified, milled or unmilled soap or homogenized soap, white or coloured or transparent, perfumed and compressed in the form of firm smooth cakes and shall possess good cleaning and lathering properties. In addition to perfume and moisture and volatile matter, toilet soaps may contain only colouring matter, preservation, medicaments, superfatting agents and such additional substances as are declared on the label. The transparent toilet soaps may contain sugar and glycerol. However, all the foregoing materials shall be non-injurious in use with soaps.

4. This Order shall come into force on the date of its publication in the Official Gazette.

[No. 6(29)-76 E&EP]

का० खा० 1016 .—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार निम्नलिखित नियम बनाती है, अर्थात् :

1. संक्षिप्त नाम और प्रारम्भ :—(1) इन नियमों का संक्षिप्त नाम प्रसाधन साबुन निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1980 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएँ :—इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) "अधिनियम" से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है।

(ख) "परिषद्" से अधिनियम की धारा 3 के अधीन स्थापित निर्यात निरीक्षण परिषद् अभिप्रेत है,

(ग) "अधिकरण" से अधिनियम की धारा 7 के अधीन कोचीन, मद्रास, कलकत्ता मुम्बई और दिल्ली में स्थापित अधिकरणों में से कोई एक अधिकरण अभिप्रेत है,

(घ) "प्रसाधन साबुन" से अपारदर्शी या पारदर्शी प्रसाधन साबुन अभिप्रेत है जो पूरी तरह से साधुनीकृत मिल द्वारा तैयार किया गया या मिल द्वारा नहीं तैयार किया गया या सफेद या रंगीन या पारदर्शी सुगंधित और दवाएं हुए रूप में या पक्की चिकनी टिककी के रूप में है, जिसमें अच्छी सफाई तथा झाग देने वाली विशेषताएं होंगी सुगंध और झाड़ता तथा वाष्पशील पदार्थ के अतिरिक्त प्रसाधन साबुन में रंगीन पदार्थ परिरक्षक, बिक्रितीय, अत्यधिक बसामय पदार्थ तथा ऐसे पदार्थ हो सकते हैं जो लेबल पर कोष्ठित किए गए हैं। पारदर्शी प्रसाधन साबुन में गंध और ग्लोसरीन हो सकते हैं। साबुन के साथ प्रयोग करने में उपरोक्त सभी सामग्री हानि रहित होगी।

(ङ) "अनुसूची" से इन नियमों से संलग्न अनुसूची अभिप्रेत है।

3. निरीक्षण का आधार—निर्वाह किए जाने वाले प्रसाधन साबुन का निरीक्षण इस दृष्टि से किया जाएगा कि प्रसाधन साबुन अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्य विनिर्देशों के अनुरूप है।

या

(क) यह सुनिश्चित करने हुए किया जाएगा कि उत्पाद का विनिर्माण उत्पादन के दौरान उक्त आवश्यक क्वालिटी नियंत्रण का प्रयोग करने हुए किया गया है जो उपाबंध 1 में विनिर्दिष्ट है।

या

(ख) उपाबंध-2 में विनिर्दिष्ट रीति के अनुसार किए गए निरीक्षण तथा परीक्षण के आधार पर किया जाएगा।

4. निरीक्षण की प्रक्रिया—(1) प्रसाधन साबुन के किसी परेषण का निर्वात करने का इच्छुक नियतकर्ता अधिकर को लिखित रूप में सूचना देगा जिसमें निर्यात संविदा या आदेश की एक प्रति के साथ संबंधात्मक विनिर्देशों के ब्योरे होंगे ताकि अधिकरण नियम 3 के अनुसार निरीक्षण कर सके।

(2) उस प्रसाधन साबुन के निर्यात के लिए जिसका विनिर्माण उत्पादन के दौरान ऐसे पर्याप्त क्वालिटी नियंत्रण का प्रयोग करने हुए किया गया है जो उपाबंध 1 में अधिकृत हैं और उस दशा में जब न्यायनिर्णीत किया गया है कि इस प्रयोजन के लिए परिषद द्वारा या परिषद द्वारा गठित विशेषज्ञों के पैनल द्वारा विनिर्माण एकक में उत्पादन के दौरान पर्याप्त क्वालिटी नियंत्रण अभाव किए गए हैं, निर्यातकर्ता उपनियम (1) में वर्णित सूचना के साथ इस आशय की घोषणा भी देगा कि निर्यात के लिए प्राणयित प्रसाधन साबुन के परेषण का विनिर्माण उस अधिकृत पर्याप्त क्वालिटी नियंत्रण का प्रयोग करने हुए किया गया है जो उपाबंध 1 में अधिकृत हैं और कि परेषण उस प्रयोजन के लिए मान्य विनिर्देशों के अनुरूप है।

(3) प्रत्येक ऐसी सूचना या घोषणा या दोनों की एक प्रति साथ साथ परिषद के किसी भी निम्नलिखित कार्यालय को पठाई जा जाएगी जो निरीक्षण के स्थान के निकटतम है, अर्थात् :—

मुख्य कार्यालय

निर्यात निरीक्षण परिषद,
ब्लॉक ट्रेड सेंटर,
14/1बी एजरा स्ट्रीट (मातवी मंजिल)
कलकत्ता-700001

क्षेत्रीय कार्यालय

निर्यात निरीक्षण-परिषद,
अमन चैम्बर,
113, महर्षि कर्वे रोड,
मुम्बई-400004

निर्यात निरीक्षण परिषद,
मनोहर बिल्डिंग, महात्मा गांधी रोड,
एनाकुलम, कोचीन-682011
निर्यात निरीक्षण परिषद,
म्युनिसिपल मार्केट बिल्डिंग,
3, सरस्वती, मार्ग, करोल बाग,
नयी दिल्ली-110005

(4) निर्यातकर्ता अधिकरण को परेषण पर लगाए गए पहचान चिह्न भी देगा।

(5) उपर्युक्त उपनियम (1) के अधीन प्रत्येक सूचना विनिर्माता के परिषद से परेषण के भेजे जाने से कम से कम सात दिन पहले दी जाएगी जब कि उपनियम (2) के अधीन सूचना, घोषणा के साथ, विनिर्माता के परिषद से परेषण के भेजे जाने से कम से कम तीन दिन पहले दी जाएगी।

(6) उपनियम (1) के अधीन सूचना तथा उपनियम (2) के अधीन घोषणा, यदि कोई हो, प्राप्त होने पर अधिकरण :—

(क) अपना यह समाधान कर लेने पर कि विनिर्माण की प्रक्रिया के दौरान विनिर्माता ने उक्त पर्याप्त क्वालिटी नियंत्रणों का प्रयोग किया है जो उपाबंध-1 में अधिकृत हैं तथा इस प्रयोजन के लिए मान्य मानक विनिर्देशों के अनुरूप उत्पादन का विनिर्माण करने के इस संबंध में परिषद द्वारा जारी किए गए अनुदेशों को, यदि कोई हो, पालन किया गया है तीन दिन के भीतर यह घोषणा करते हुए प्रमाणपत्र जारी करेगा कि प्रसाधन साबुन का परेषण निर्यात योग्य है। उन मामलों में जहां विनिर्माता निर्यातकर्ता नहीं है परेषण को भौतिक रूप से सत्यापित किया जाएगा तथा ऐसा सत्यापन तथा निरीक्षण जो आवश्यक हो अधिकरण द्वारा यह सुनिश्चित करने के लिए किया जाएगा कि उपरोक्त शर्तों का पालन किया गया है। अधिकरण निर्यात के लिए प्राणयित कुछ परेषणों की मोके पर जांच करेगा।

(ख) उस दशा में जहां निर्यातकर्ता ने उपनियम (2) के अधीन यह घोषित नहीं किया है कि उपाबंध 1 में अधिकृत पर्याप्त क्वालिटी नियंत्रण का प्रयोग किया गया है तो अधिकरण उपाबंध-2 में अधिकृत निरीक्षण तथा परीक्षण के आधार पर या दोनों के आधार पर अपना यह समाधान कर लेने पर कि प्रसाधन का परेषण इस प्रयोजन के लिए मान्य मानक विनिर्देशों के अनुरूप है ऐसा निरीक्षण करने के सात दिन के भीतर यह घोषित करने हुए प्रमाणपत्र जारी करेगा कि प्रसाधन साबुन का परेषण निर्यात योग्य है, परन्तु जहां अधिकरण का इस प्रकार समाधान नहीं हो पाता जहां निर्यातकर्ता को यथास्थिति, उक्त तीन या सात दिन की अवधि के भीतर यह घोषणा करने का कि प्रसाधन साबुन का परेषण निर्यात योग्य है प्रमाणपत्र जारी करने में इंकार कर देगा तथा ऐसे इंकार की सूचना उसके कारणों सहित निर्यातकर्ता को देगा।

(7) ऐसी दशा में जहां विनिर्माता निर्यातकर्ता नहीं है या परेषणों का उपनियम (6) (ख) के अधीन निरीक्षण किया जाता है या दोनों दशाओं में निरीक्षण की समाप्ति के तुरन्त बाद अधिकरण परेषण से पैकेजों को यह सुनिश्चित करने के लिए इस रीति से नज़रबंद करेगा कि यह सुनिश्चित हो जाए कि मुहरबंद पैकेजों के साथ छद्मता न की जा सके। परेषण के तामजूर किए जाने की दशा में यदि निर्यातकर्ता ऐसा चाहें तो परेषण, अधिकरण द्वारा मुहरबंद नहीं किया जाएगा परन्तु ऐसी दशाओं में निर्यातकर्ता तामजूरी के विरुद्ध अपील करने का हकदार नहीं होगा।

5. मान्य चिह्न लगाना तथा उसकी प्रक्रिया :—भारतीय मानक संस्था (प्रमाणन) अधिनियम, 1952 (1952 का 36) भारतीय मानक संस्था (प्रमाणन चिह्न) नियम, 1965 तथा भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम, 1965 के उपबन्ध निर्यात के लिए प्राणयित प्रसाधन साबुन पर मुहर या मान्य चिह्न लगाने की प्रक्रिया के सम्बन्ध में जहां तक हो सके लागू होंगे।

6. निरीक्षण स्थान : इन नियमों के अधीन प्रत्येक निरीक्षण या (क) ऐसे उत्पाद के विनिर्माता के परिसर पर किया जाएगा या (ख) उस परिसर पर किया जाएगा जहाँ नियंत्रितकर्ता द्वारा माल प्रस्थापित किया जाता है परन्तु यह कि वहाँ इस प्रयोजन के लिए पर्याप्त सुविधाएँ उपलब्ध हों।

7. निरीक्षण फीस : दोष पर्याप्त निशुल्क मूल्य के प्रत्येक एक सौ रुपये के लिए खालीस पैसे की दर से फीस निरीक्षण फीस के रूप में जाएगी किन्तु प्रत्येक परीक्षण के लिए कम से कम 25 रुपये फीस होंगी।

8. अपील :—(1) नियम 4 के उपनियम (6) के अधीन अभिकरण द्वारा प्रमाणपत्र देने से ठंकार से व्यक्ति कोई व्यक्ति ऐसे ठंकार की सूचना प्राप्त होने से दस दिन के भीतर केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए गठित विशेषज्ञों के पैनल को, जिसमें कम से कम तीन और अधिक से अधिक सात व्यक्ति होंगे, अपील कर सकेगा।

(2) पैनल की विशेषज्ञों की कुछ सदस्यता के दो तिहाई सदस्य अभासकीय व्यक्ति होंगे।

(3) पैनल की गणपूर्ति तीन सदस्यों में होगी।

(4) अपील विशेषज्ञों के पैनल द्वारा उसके प्राप्त होने से पन्द्रह दिन के भीतर निपटा दी जाएगी।

उपाखण्ड 1

(नियम 3(क) देखिए)

बहालिटी नियंत्रण

विनिर्माता प्रमाण साबुत का बहालिटी नियंत्रण, उत्पादों के विनिर्माण, परिरक्षण तथा पैकिंग के विभिन्न प्रक्रमों पर जो नीचे अधिकृतित है तथा इससे संलग्न अनुसूची में दिए गए नियंत्रण स्तरों पर, निम्नलिखित नियंत्रणों का प्रयोग करते हुए सुनिश्चित करेगा।

(1) क्रम और कच्ची सामग्री का नियंत्रण

(क) विनिर्माता प्रयोग को जाने वाली कच्ची सामग्री की विशेषताओं को समाविष्ट करते हुए क्रम विनिर्देश अधिकृतित करेगा।

(ख) स्वीकृत परीक्षणों के साथ या तो क्रम विनिर्देशों की अपेक्षाओं की संतुष्टि करते हुए, प्रदायकर्ता का परीक्षण और निरीक्षण प्रमाणपत्र होगा जिस दशा में क्रेता उपर्युक्त परीक्षण या निरीक्षण प्रमाणपत्र की श्रुति को सत्यापित करने के लिए किसी विशिष्ट प्रदायकर्ता के दस परीक्षणों में से कम से कम एक बार आकस्मिक आंच करेगा या क्रय की गयी सामग्री का कारखाने के भीतर स्थित प्रयोगशाला में या बाहरी प्रयोगशाला में, परीक्षण शाला में नियमित रूप से परीक्षण और निरीक्षण किया जाएगा।

(ग) निरीक्षण या परीक्षण के लिए नमूने लेना अभिलिखित श्रवणों पर आधारित होगा।

(घ) निरीक्षण या परीक्षण किए जाने के पश्चात् और अस्वीकृत सामग्री का पुनर्करण और अस्वीकृत सामग्री का व्यवस्थापन करने के लिए व्यवस्थित पद्धतियाँ अपनाई जाएंगी।

(ङ) उपरोक्त नियंत्रणों के बारे में पर्याप्त अभिलेख नियमित तथा व्यवस्थित रूप से विनिर्माता द्वारा रखे जाएंगे।

(2) प्रक्रिया नियंत्रण

(क) विनिर्माता द्वारा विनिर्माण के विभिन्न प्रक्रमों के लिए व्योरेखा प्रक्रिया विनिर्देश अधिकृतित किए जाएंगे।

(ख) प्रक्रिया विनिर्देशों में अधिकृतित प्रक्रियाओं को नियंत्रित करने के लिए पर्याप्त उपकरण और उपकरण सुविधाएँ होंगी।

(ग) विनिर्माण की प्रक्रिया के दौरान, नियंत्रण के सहायन की संभावना को सुनिश्चित करने के लिए विनिर्माता द्वारा पर्याप्त अभिलेख रखे जाएंगे।

(3) उत्पाद नियंत्रण

(क) वह आंचपड़ना करने के लिए कि उत्पाद अधिनियम की धारा 6 के अधीन मान्य विनिर्देशों के अनुसार है विनिर्माता के पास अपनी परीक्षण सुविधाएँ होंगी या उसकी पड़ना उन परीक्षण सुविधाओं तक होंगी जो अन्यत्र विद्यमान हैं।

(ख) परीक्षण तथा निरीक्षण के लिए नमूने लेना अभिलिखित श्रवणों पर आधारित होगा।

(ग) नमूने लेना तथा परीक्षण के बारे में पर्याप्त अभिलेख नियमित तथा व्यवस्थित रूप से रखे जाएंगे।

(घ) उत्पाद की जाँच करने के लिए नियंत्रण के न्यूनतम स्तर वे होंगे जो अनुसूची में विनिर्दिष्ट हैं।

(4) परिरक्षण नियंत्रण :

भंडारण तथा अन्तरण में उत्पाद अन्वी प्रकार परिरक्षित किया जाएगा।

(5) पैकिंग नियंत्रण

उन नियंत्रणों की अपेक्षा की पूर्ति करने की दृष्टि से जो उत्पाद की पैकिंग करने के लिए अनुसूची में वर्णित हैं, पैकिंग विनिर्देश अधिकृतित किए जाएंगे।

अनुसूची

1. उत्पादों के लिए नियंत्रण के स्तर

[उपाखण्ड 1 का उप-धारा (iii) (घ) देखें]

क्रम सं०	विशेषण	अपेक्षाएं	परीक्षण के लिए संयुक्त नमूनों की संख्या	आवृत्ति	टिप्पणी
1	2	3	4	5	6
1.	कुल असा पदार्थ, मात्रा के अनुसार प्रतिशत, न्यूनतम।	मानक विनिर्देशों के अनुसार	1	प्रति बैच	—
2.	रोजिन अम्ल, कुल असा पदार्थ की मात्रा के अनुसार प्रतिशत अधिकतम।	यथोक्त	1	यथोक्त	—
3.	सोडियम हाइड्रॉक्साइड (एन ए ओ एच) कास्टिक अल्कलीयुक्त मात्रा के अनुसार प्रतिशत अधिकतम।	यथोक्त	1	यथोक्त	—
4.	असाबुनीकृत असा पदार्थ मात्रा के अनुसार प्रतिशत अधिकतम।	यथोक्त	1	यथोक्त	जब कभी लागू हो
5.	अल्कोहल में अविलयशील पदार्थ मात्रा के अनुसार प्रतिशत-अधिकतम।	यथोक्त	1	यथोक्त	यथोक्त
6.	धार्द्रता तथा वाष्पशील पदार्थ (105 से०से० पर) मात्रा के अनुसार प्रतिशत-अधिकतम।	यथोक्त	1	यथोक्त	यथोक्त
7.	जल में अविलयशील पदार्थ, मात्रा के अनुसार प्रतिशत अधिकतम।	यथोक्त	1	यथोक्त	यथोक्त
8.	अन्य परीक्षण	यथोक्त	1	यथोक्त	यथोक्त

२ पैकेज के लिए निगमन के स्वर

(उपाबंध 1, उप पैरा (5) देखें)

1. पैकेज पात्र देखने में गुन्वर होंगे तथा इनने मजबूत होंगे कि वे अभिवहन के दौरान हथालने से टूट न जाएं।

2. प्रत्येक पैकेज पात्र पर निम्नलिखित सूचना भी होगी, अर्थात् :—

(क) सामग्री का नाम

(ख) विनिर्माता का नाम तथा व्यापार चिह्न, यदि कोई हो।

(ग) सामग्री की मात्रा।

(घ) बैच संख्यांक।

उपाबंध 2

(नियम 3(क) देखें)

1. परेक्षणानुसार निरीक्षण

1. प्रसाधन साबुन के परेक्षण का निरीक्षण तथा परीक्षण यह निश्चय करने के लिए किया जाएगा कि वे अधिनियम की धारा 6 के अधीन मान्य मानक विनिर्देशों के अनुरूप हैं।

2. नमूना मानदण्डों के संबंध में संविवात्मक विनिर्देशों में कोई विशिष्ट अनुबंध न होने की वशा में वही अनुबंध लागू होंगे जो नीचे की सभी सारणी में अधिकृत हैं।

सारणी

नमूना लेने का मानदण्ड

लाट में पैकेजों की संख्या	अवगत नमूने एक पैकेजों की संख्या
3 तक	2
4 से 15	3
16 से 40	4
41 से 65	5
66 से 110	7
111 और उससे ऊपर	10

टिप्पणी :—एक परेक्षण में सभी पैकेजों के एक ही प्रकार क्वालिटी का प्रसाधन साबुन एक लाट समझा जाएगा। उपर्युक्त नमूने हुए पैकेजों में से नमूना लेने के प्रयोजन के लिए एक साथ एक या एक से अधिक पात्र निकाले जाएंगे।

[सं० 6(29)/76-नि०नि० तथा नि०उ०]

S.O. 1016.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, hereby, makes the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Export of Toilet Soaps (Quality Control and Inspection) Rules, 1980.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires :—

(a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

(b) "Council" means the Export Inspection Council established under section 3 of the Act;

(c) "Agency" means any one of the agencies established under section 7 of the Act at Cochin, Madras, Calcutta, Bombay and Delhi;

(d) "Toilet Soaps" means opaque or transparent toilet soaps thoroughly saponified, milled or un-milled soap homogenized soap, white or coloured or transparent, perfumed and compressed in the form of firm smooth cakes, and shall possess good cleaning and lathering properties. In addition to perfume and moisture and volatile matter, toilet soaps may contain only colouring matter, preservatives, medicaments, superfatting agents and such additional substances as are declared on the label. The transparent toilet soap may contain sugar and glycerol. However, all the foregoing materials shall be non-injurious in use with soap.

(e) "Schedule" means a Schedule appended to these rules.

3. Basis of Inspection.—Inspection of toilet soaps for export shall be carried out with a view to seeing that the toilet soaps conform to the specifications recognised by the Central Government under Section 6 of the Act, 1963.

either

(a) By ensuring that the products have been manufactured by exercising necessary in-process quality control as specified in Annexure-I.

(b) On the basis of the inspection and testing carried out in the manner specified in Annexure-II.

4. Procedure of Inspection.—(1) An exporter intending to export a consignment of toilet soaps shall give an intimation in writing to the agency furnishing there in details of the contractual specifications along with a copy of the export contract or order to enable the agency to carry out inspection in accordance with rule 3.

(2) For export of toilet soaps manufactured by exercising adequate in-process quality control as laid down in Annexure I and in case the manufacturing unit has been adjudged as having adequate in-process quality control drills by the Council or panel or Experts constituted by the Council for his purpose, the exporter shall also submit along with the intimation mentioned in sub-rule (1) a declaration that the consignment of toilet soaps intended for export has been manufactured by exercising adequate quality control as laid down in Annexure I and that the consignment conforms to the standard specifications recognised for the purpose.

(3) A copy of each such intimation or declaration or both shall also be simultaneously endorsed to any of the following offices of the Council, which is nearest to the place of inspection, namely :—

Head Office

: Export Inspection Council,
'World Trade Centre',
14/1B, Ezra Street, (7th floor),
Calcutta-700001.

Regional Offices

: Export Inspection Council,
'Aman Chambers',
113, M. Karve Road,
Bombay-400004.
Export Inspection Council,
Manohar Buildings,
Mahatma Gandhi Road,
Ernakulam,
Cochin-682011.
Export Inspection Council,
Municipal Market Building,

3, Saraswati Marg, Karol Bagh,
New Delhi-110005.

(4) The exporter shall also furnish to the agency the identification marks applied on the consignment.

(5) Every intimation under sub-rule (1) above shall be given not less than seven days prior to the despatch of the consignment from the manufacturer's premises, while intimation along with the declaration under sub-rule (2) shall be given not less than three days prior to the despatch of the consignment from the manufacturer's premises.

(6) On receipt of the intimation under sub-rule (1) and the declaration, if any, sub-rule (2), the agency—

(a) on satisfying itself that during the process of manufacture, the manufacturer had exercised adequate quality control as laid down in Annexure I and followed the instructions, if any, issued by the Council in this regard to manufacture the product to conform to the standard specifications recognised for the purpose, shall within three days issue a certificate declaring the consignment of toilet soaps as exportworthy. In cases where the manufacturer is not the exporter, however, the consignment shall be physically verified and such verifications and inspection as necessary shall be carried out by the agency to ensure that the above conditions are complied with. The agency shall, however, conduct spot checks of some of the consignment meant for export;

(b) in case where the exporter has not declared under sub-rule (2) that adequate quality control as laid down in Annexure I had been exercised, on satisfying itself that the consignment of toilet soaps conform to the standard specifications recognised for the purpose, on the basis of inspection or testing carried out as laid down in Annexure-II or on the basis of both, shall within seven days, of carrying out such inspection issue a certificate declaring the consignment of toilet soaps as exportworthy; provided that where the agency is not so satisfied, it shall within the said period of three or seven days as the case may be refuse to issue a certificate to the exporter declaring the consignment of toilet soaps as exportworthy and communicate such refusal to the exporter along with the reasons therefor;

(7) In case where the manufacturer is not the exporter or the consignment is inspected under sub-rule (6)(b), or in both the cases, the agency shall, immediately after completion of the inspection, seal the packages in the consignment in a manner as to ensure that the sealed packages cannot be tampered with. In case of rejection of the consignment, if the exporter so desires, the consignment may not be sealed by the agency, but in such cases, however, the exporter shall not be entitled to prefer any appeal against the rejection.

5. Affixation of recognised mark and procedure thereof.—The provisions of the Indian Standards Institution (Certification Marks) Act, 1952 (36 of 1952), the Indian Standards Institution (Certification Marks) Rules, 1955 and the Indian Standards Institution (Certification Marks) Regulation, 1955 shall, so far as may apply in relation to the procedure of affixation of the recognised mark or seal on toilet soaps meant for export.

6. Place of Inspection.—Every inspection under these rules shall be carried out either (a) at the premises of the manufacturer of such product; or (b) at the premises at which the goods are offered by the exporter, provided adequate facilities for the purpose exist therein.

7. Inspection Fee.—Subject to a minimum of Rs. 25 for each consignment, a fee at the rate of forty paise for every one hundred rupees of the F.O.B. Value for each such consignment shall be paid as inspection fee.

8. Appeal.—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (6) of rule 4, may within ten days of the receipt of communication of such refusal by him, prefer an appeal to such panel of experts consisting of not less than three but not more than seven persons as may be constituted by the Central Government for the purpose.

(2) The panel of experts shall consist of at least two-thirds of non-officials of the total memberships of the panel of experts.

(3) The quorum the panel of experts shall be three.

(4) The appeal shall be disposed of by the panel of experts within fifteen days of its receipt.

ANNEXURE I

[See Under Rule 3(a)]

Quality Control—

The quality control of toilet soaps shall be ensured by the manufacturer by effecting the following controls at different stages of manufacture, preservation and packing of the products as laid down below, together with the levels of control as set out in the schedule appended hereto.

(i) Purchase and raw material control :

(a) purchase specifications shall be laid down by the manufacturer incorporating the properties of raw materials to be used.

(b) Either the accepted consignments shall be accompanied by a supplier's test and inspection certificate corroborating the requirements of the purchase specifications, in which case occasional checks shall be conducted at least once in 10 consignments by the purchaser for a particular supplier to verify the correctness of the aforesaid test or inspection certificate or the purchased material shall be regularly tested and inspected either in the laboratory within the factory or in an outside laboratory or test house.

(c) The sampling for inspection or test to be carried out shall be based on the recorded investigations.

(d) After the inspection or test is carried out systematic methods shall be adopted in segregating the accepted and rejected materials and for disposal of the rejected materials.

(e) Adequate records in respect of the aforesaid controls shall be regularly and systematically maintained by the manufacturer.

(ii) Process Control :

(a) Detailed process specifications shall be laid down by the manufacturer for different stages of manufacture.

(b) Equipment and instrumentation facilities shall be adequate to control the processes as laid down in the process specifications.

(c) Adequate records shall be maintained by the manufacturer to ensure the possibility of verifying the controls exercised during the process of manufacture.

(iii) Product Control :

(a) The manufacturer shall have either his own testing facilities or shall have access to such testing facilities existing elsewhere to check up whether the product conforms to specifications recognised under section 6 of the Act.

(b) Sampling for test and inspection to be carried out shall be based on the recorded investigation.

(c) Adequate records in respect of sampling and test carried out shall be regularly and systematically maintained.

(d) The minimum levels of control to check the products shall be as specified in the Schedule.

(iv) Preservation Control.—The product shall be well preserved both during the storage and transit.

(v) Packing Control.—Packing specifications shall be laid down with a view to satisfying the controls as mentioned in the schedule for packing of the product.

SCHEDULE

I. Levels of Control for products

[See sub-paragraph (iii) (d) of Annexure-I]

Sl. No.	Characteristics	Requirements	No. of composite samples to be tested	Frequency	Remarks
1	2	3	4	5	6
1.	Total Fatty matter, percent by mass, Min.	As per standard specification.	1	per batch	—
2.	Resin acids, percent by mass of total fatty matter, Max.	-do-	1	-do-	—
3.	Free Caustic alkali, as sodium hydroxide (NaOH) percent by mass, Max.	-do-	1	-do-	—
4.	Unsaponified fatty matter percent by mass, Max.	-do-	1	-do-	Whenever applicable
5.	Matter insoluble in alcohol percent by mass, Max.	-do-	1	-do-	-do-
6.	Moisture and volatile matter (at 105°C) percent by mass, Max.	-do-	1	-do-	-do-
7.	Matter insoluble in water percent by mass, Max.	-do-	1	-do-	-do-
8.	Other tests	-do-	1	-do-	-do-

2. Levels of Control for Packing

[See sub-paragraph (v) of the Annexure-I]

1. The packages/containers shall have a good presentability and sufficient strength to stand handling during transit.

2. The following information shall be given on each package/container, namely:—

- Name of the material.
- Manufacturer's name and trade mark, if any.
- Quantity of the material.
- Batch number.

ANNEXURE II

[See under Rule 3 (b)]

Consignmentwise Inspection

1. The consignment of toilet soaps shall be subjected to inspection and testing to ensure conformity of the same to the standard specifications recognised under section 6 of the Act.

2. In the absence of specific stipulation in the contractual specifications as regards sampling criteria, the same laid down in Table given below shall become applicable.

TABLE

Scale of Sampling

No. of packages in the lot	No. of packages to be selected at random
Upto 3	2
4 to 15	3
16 to 40	4
41 to 65	5
66 to 110	7
111 and above	10

N.B.—In a single consignment all the packages containing toilet soaps of the same type/quality shall constitute a lot. From each one of the packages selected as above, draw at random, one or more containers for the purpose of sampling.

[No.6(29)/76/EI&EB]

क्र० प्र० 1017.—नियमित (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इसके द्वारा प्रसाधन साबुन का नियमित से पूर्व [क्वालिटी नियंत्रण और निरीक्षण करने के लिए] निम्नलिखित अभिकरणों को मान्यता देती है, अर्थात्:—

- नियमित निरीक्षण अभिकरण—कलकत्ता
ब्लैक ट्रेड सेंटर,
14/बी, एजरा स्ट्रीट (नवी मंजिल)
कलकत्ता-700011
- नियमित निरीक्षण अभिकरण—मद्रास,
123, मार्केट रोड,
मद्रास-600006
- नियमित निरीक्षण अधिकरण—मुम्बई
अमन चैम्बर (चौथी मंजिल)
113, महर्षि कार्वे रोड,
मुम्बई-400004
- नियमित निरीक्षण अभिकरण—कोचीन
मनोहर बिल्डिंग,
महात्मा गांधी रोड,
एनाकुलम
- नियमित निरीक्षण अभिकरण—दिल्ली,
म्युनिसिपल मार्केट बिल्डिंग,
3, सरस्वती मार्ग, करोल बाग,
नई दिल्ली-110005

स्पष्टीकरण:—इस अधिसूचना में "प्रसाधन साबुन" से अपारदर्शी या पारदर्शी प्रसाधन साबुन अभिप्रेत है जो पूरी तरह से साबुनीकृत, मिल द्वारा तैयार किया गया था/मिल द्वारा नहीं तैयार किया गया या सफेद या रंगीन पारदर्शी सुगंधित और बबल हुए रूप में या पक्की चिकनी टिककी के रूप में है, जिसमें अच्छी सफाई तथा झाग देने वाली विशेषताएं होंगी। सुगंध और आर्द्रता तथा वाष्पशील पदार्थ के अतिरिक्त प्रसाधन साबुन में रंगीन पदार्थ, परिरक्षक, चिकित्सकीय अत्यधिक वसामय तथा ऐसे पदार्थ हो सकते हैं जो लेबल पर घोषित किए गए हैं पारदर्शी प्रसाधन साबुन में शर्करा तथा ग्लिसरोल हो सकते हैं। साबुन के साथ प्रयोग करने में सभी सामग्री हानि रहित होगी।

[सं० 6(29)/76-नि०नि० तथा नि०उ०]

S.O. 1017.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby, recognises the following agencies for quality control and inspection of toilet soaps prior to its export, namely:—

- Export Inspection Agency—Calcutta,
World Trade Centre,

- 14/1B, Ezra Street (8th floor),
Calcutta-700001.
2. Export Inspection Agency-Madras,
123, Mount Road,
Madras-600006.
3. Export Inspection Agency—Bombay,
Aman Chambers, (4th floor),
113, M. Karve Road,
Bombay-400004.
4. Export Inspection Agency—Cochin,
Manohar Buildings,
Mahatma Gandhi Road,
Ernakulam,
Cochin-682011.
5. Export Inspection Agency—Delhi,
Municipal Market Building,
3, Saraswati Marg, Karol Bagh,
New Delhi-110005.

Explanation.—In this notification 'toilet soaps' means opaque or transparent toilet soaps, thoroughly saponified, milled or un-milled soap or homogenized soap, white or coloured or transparent, perfumed and compressed in the form of firm smooth cakes, and shall possess good cleaning and lathering properties. In addition to perfume and moisture and volatile matter, toilet soaps may contain only colouring matter, preservatives, medicaments, superfatting agents and such additional substances as are declared on the label. The transparent toilet soap may contain sugar and glycerol. However, all the foregoing materials shall be non-injurious in use with soap.

[No. 6(29)/76-EI&EP]

का० प्रा० 1018.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, प्रसाधन साबुन के संबंध में भारतीय मानक संस्था प्रमाणीकरण चिह्न को मान्यता देने की प्रस्तावना निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) की अपेक्षानुसार भारत सरकार के वाणिज्य मंत्रालय के आदेश मख्या का० प्रा० 868 तारीख 10 मार्च 1979 को अधीन भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 10 मार्च, 1979 में केन्द्रीय सरकार द्वारा प्रकाशित कर गया था।

और इसमें प्रभावित होने वाले सभी व्यक्तियों में 24 अप्रैल, 1979 तक आक्षेप और सुझाव मांगे गए थे;

और उक्त राजपत्र की प्रतिया जनता को 13 मार्च, 1979 को उपलब्ध करा दी गयी थी।

और उक्त प्रूप पर जनता से प्राप्त आक्षेपों तथा सुझावों पर केन्द्रीय सरकार द्वारा विचार कर लिया गया है;

अतः, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इसके द्वारा यह घोषित करने के प्रयोजन के लिए प्रसाधन साबुन के संबंध में भारतीय मानक संस्था प्रमाणन चिह्न को मान्यता देती है जहां प्रसाधन साबुन के डिब्बों पर ऐसे चिह्न लगाए गए हैं जहां वे उक्त अधिनियम की धारा 6 के खंड (3) के अधीन उम पर लागू होने वाले मानक विनिर्देशों के अनुरूप समझे जाएंगे।

स्पष्टीकरण :—इस अधिसूचना में "प्रसाधन साबुन" से अपारदर्शी या पारदर्शी प्रसाधन साबुन अभिप्रेत है जो पूरी तरह से साबुनीकृत मिल द्वारा तैयार किया गया है/मिल द्वारा तैयार नहीं किया गया या सफेद या रंगीन या पारदर्शी, सुगंधित और बहाए हुए रूप में या पक्की चिकनी टिकी के रूप में हैं जिसमें अच्छी सफाई तथा झाग देने वाली विशेषताएं होंगी। सुगंध और अर्चना तथा वाष्पणीय पदार्थ के प्रतिरक्षक प्रसाधन साबुन में रंगीन पदार्थ, परिरक्षक चिकित्सीय अत्यधिक वरामय तथा ऐसे पदार्थ हो सकते हैं जो लेबन पर घोषित किए गए हैं पारदर्शी प्रसाधन

साबुन में शर्करा तथा ग्लिसरीन हो सकते हैं। साबुन के साथ प्रयोग करने में सभी सामग्री हानि रहित होगी।

[सं० 6(29)/76-नि०नि०न०न०न०उ०]

S.O. 1018.—Whereas the Central Government, in exercise of the powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), published a proposal to recognise the Indian Standards Institution Certification Mark in relation to toilet soaps as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964 in the Gazette of India, Part-II, Section 3, Sub-section (ii) dated the 10th March, 1979, under the order of the Government of India in the Ministry of Commerce S.O. No. 868, dated the 10th March, 1979.

And whereas objections and suggestions were invited till the 24th April, 1979, from all persons likely to be affected thereby;

And whereas the copies of the said Gazette were made available to the public on the 13th March, 1979;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government.

Now, therefore, in exercise of the powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) the Central Government hereby recognises the Indian Standards Institution Certification Mark in relation to toilet soaps for the purpose of denoting that where the cartons or packages of toilet soaps are affixed or applied with such mark, they shall be deemed to be in conformity with the standard specifications applicable thereto under clause (3) of section 6 of the said Act.

Explanation.—In this notification "toilet soaps" means opaque or transparent toilet soaps, thoroughly saponified, milled or un-milled soap or homogenized soap, white or coloured or transparent, perfumed that compressed in the form of firm smooth cakes, and shall possess good cleaning and lathering properties. In addition to perfume and moisture and volatile matter, toilet soaps may contain only colouring matter, preservatives, medicaments, superfatting agents and such additional substances as are declared on the label. The transparent toilet soap may contain sugar and glycerol. However, all the foregoing materials shall be non-injurious in use with soap.

[No. 6(29)/76-EI&EP]

का० प्रा० 1019.—केन्द्रीय सरकार, निर्यात (क्वालिटी नियंत्रण तथा निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्यात निरीक्षण अधिकरण कर्मचारी (वर्गीकरण, नियंत्रण तथा अपील) नियम, 1979 में संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्—

1. (1) इन नियमों का नाम निर्यात निरीक्षण अधिकरण कर्मचारी (वर्गीकरण नियंत्रण तथा अपील) संशोधन नियम, 1980 है।

(2) ये राजपत्र में प्रकाशित की तारीख को प्रवृत्त होंगे।

2. निर्यात निरीक्षण अधिकरण कर्मचारी (वर्गीकरण नियंत्रण तथा अपील) नियम, 1978 के नियम 2 में,—

(1) खंड (ख) के स्थान पर निम्नलिखित खंड रखा जाएगा, अर्थात् :—

(ख) "अधिकरण" से, निर्यात (क्वालिटी नियंत्रण तथा निरीक्षण) अधिनियम, 1963 की धारा 7 की उपधारा (1) के अधीन केन्द्रीय सरकार द्वारा स्थापित निर्यात निरीक्षण अधिकरण अभिप्रेत है।

(2) खंड (क) के पश्चात् निम्नलिखित खंड अन्तःस्थापित किया जाएगा, अर्थात्—

“(क) ‘‘लोक सेवक’’ में कोई सरकारी सेवक या परिषद्/अधिकरण के कर्मचारी अभिप्रेत है।”

3. उक्त नियमों के नियम 11 में उपनियम (8) को उस उपनियम के खंड (क) के रूप में पुनः अक्षरांकित किया जायेगा तथा इस प्रकार पुनः अक्षरांकित किए गए खंड के पश्चात्, निम्नलिखित खंड अन्तःस्थापित किया जाएगा, अर्थात्—

“(ख) अधिकरण का कर्मचारी अपनी ओर से मामला प्रस्तुत कराने के लिए, नियुक्त किसी सरकारी कर्मचारी या अधिकरण के सेवा निवृत्त किसी कर्मचारी परिषद् के सेवानिवृत्त किसी कर्मचारी की सहायता ऐसी शर्तों के अधीन रहते हुए ले सकता है जो परिषद् इस बाबत समय-समय पर साधारण या विशेष आदेश द्वारा विनिर्दिष्ट करे।”

[एफ० सं० 3(11)/76 ई आई एड ई पी]

S.O. 1019.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules to amend the Export Inspection Agency, Employees (Classification, Control and Appeal) Rules, 1978, namely :—

1. (1) These rules may be called the Export Inspection Agency Employees (Classification, Control and Appeal) Amendment, Rules, 1980.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export Inspection Agency Employees (Classification, Control and Appeal) Rules, 1978, in rule 2—

(1) for clause (b) the following clause shall be substituted namely :—

“(b) ‘‘Agency’’ means the Export Inspection Agency established by the Central Government under sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963.”

(2) after clause (m), the following clause shall be inserted, namely :—

“(mm) ‘‘public servant’’ means a Government servant or an employee of the Council/Agency.”

3. In the said rules, in rule 11, sub-rule (8) shall be re-numbered as clause (a) of that sub-rule and after the clause as so renumbered, the following clause shall be inserted, namely :—

“(b) The Agency employee may also take the assistance of a retired Government servant or a retired Agency employee or a retired Council employee to present the case on his behalf, subject to such conditions as may be specified by the Council from time to time by general or special order in this behalf.”

[F. No. 3(11)/76-EI & EP]

का० प्र० 1020.—केन्द्रीय सरकार, निर्यात (इंक्वायरी नियंत्रण तथा निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्यात निरीक्षण परिषद् कर्मचारी (वर्गीकरण, नियंत्रण तथा अपील) नियम, 1978 में संशोधन करने के लिए निम्नलिखित बनाती है, अर्थात्—

1. (1) इन नियमों का नाम निर्यात निरीक्षण परिषद् कर्मचारी (वर्गीकरण, नियंत्रण तथा अपील) संशोधन नियम, 1980 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. निर्यात निरीक्षण परिषद् कर्मचारी (वर्गीकरण, नियंत्रण तथा अपील) नियम, 1978 में जिसे इनके पश्चात् उक्त नियम कहा गया

है, के नियम 2 के खंड (अ) के पश्चात् निम्नलिखित खंड अन्तःस्थापित किया जायेगा, अर्थात्—

“(अ) ‘‘लोक सेवक’’ में या लोक सेवक कोई परिषद् का कर्मचारी या ऐसा कोई कर्मचारी अभिप्रेत है जो परिषद् के प्रशासनिक तथा तकनीकी नियंत्रण के अधीन कार्यरत रहा है।”

3 उक्त नियमों के नियम 1 में—

(1) उपनियम (2) में ‘‘प्राधिकारी’’ शब्द के स्थान पर ‘‘लोक सेवक’’ शब्द रखे जाएंगे,

(2) उप-नियम (2) में ‘‘परिषद् के प्रशासनिक एवं तकनीकी नियंत्रण के अधीन कार्य कर रहे कर्मचारी’’ शब्दों के स्थान पर ‘‘लोक सेवक’’ शब्द रखे जाएंगे,

(3) (i) उप-नियम (8), उस उप-नियम के खंड (क) के रूप में ‘‘परिषद् के किसी अन्य कर्मचारी या परिषद् के प्रशासनिक एवं तकनीकी नियंत्रण के अधीन कार्य कर रहे किसी कर्मचारी’’ शब्दों के स्थान पर ‘‘किसी लोक सेवक’’ शब्द प्रतिस्थापित किये जायेंगे।

(ii) इस प्रकार पुनः अक्षरांकित उपनियम (8) के खंड (क) के पश्चात्, निम्नलिखित खंड अन्तःस्थापित किया जायेगा अर्थात्—

“(ख) परिषद् का कर्मचारी अपनी ओर से मामला पेज कराने के लिए, सेवानिवृत्त किसी सरकारी कर्मचारी या परिषद् के सेवानिवृत्त कर्मचारी या सेवानिवृत्त किसी ऐसे कर्मचारी की भी, जिसने परिषद् के प्रशासनिक और तकनीकी नियंत्रण के अधीन कार्य किया है, सहायता ऐसी शर्तों के अधीन रहते हुए ले सकता है जो परिषद् इस बाबत समय-समय पर साधारण या विशेष आदेश द्वारा विनिर्दिष्ट करे।”

4. (i) उक्त नियमों के नियम 21 में, उप-नियम 2 (1) के परन्तुक (i) में, ‘‘ऐसी जांच की कार्यवाही पर विचार करके’’ शब्दों से आरम्भ होने वाले ‘‘तथा ऐसे आदेश करेगा जैसे वह ठीक समझे’’ शब्द से समाप्त होने वाले अंश के स्थान पर निम्नलिखित रखा जायेगा :—

‘‘ऐसी जांच कार्यवाही पर विचार कर के ऐसे आदेश कर सकेगा जैसे वह ठीक समझे।”

(ii) परन्तुक (ii) में, ‘‘तो अपील प्राधिकारी—’’ शब्दों से आरम्भ होने वाले तथा ‘‘ऐसे आदेश करेगा जैसे वह ठीक समझे’’ शब्दों से समाप्त होने वाले अंश के स्थान पर निम्नलिखित रखा जायेगा अर्थात् :—

‘‘तो अपील प्राधिकारी ऐसे आदेश कर सकेगा जैसे वह ठीक समझे।”

5. उक्त नियमों के नियम 26 में, परन्तुक (ii) में से निम्नलिखित का शेष किया जायेगा, अर्थात्—

‘‘तथा संबंधित व्यक्ति को ऐसा अभ्यावेदन, जैसा कि वह अधिनियमित शक्ति के विरुद्ध करना चाहता है, करने का अवसर देने के पश्चात्।”

[एफ० सं० 3/11/76-ई आई एड ई पी]

S.O. 1020.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules to amend the Export Inspection Council Employees (Classification, Control and Appeal) Rules, 1978, namely :—

1. (1) These rules may be called the Export Inspection Council Employees (Classification, Control and Appeal) Amendment Rules, 1980.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export Inspection Council Employees (Classification, Control and Appeal), Rules, 1978 (hereinafter referred to as the said rules), in rule 2, after clause (j) the following clause shall be inserted namely :—

“(jj) “public servant” means a Government servant or a Council employee or an employee working under the administrative and technical control of the Council;”

3. In rule 11 of the said rules :—

(1) in sub-rule (2), for the words “an authority”, the words “a public servant” shall be substituted;

(2) in clause (c) of sub-rule (5), for the words “a Council employee working under the administrative and technical control of the Council” the words “a public servant” shall be substituted;

(3) (i) sub-rule (8) shall be renumbered as clause (a) of that sub-rule and in clause (a) as so re-numbered for the words “any other Council employee or any employee working under the administrative and technical control of the Council”, the words “any public servant” shall be substituted.

(ii) after clause (a) of sub-rule (8), as so re-numbered the following clause shall be inserted, namely :—

“(b) The Council employee may also take the assistance of a retired Government servant or a retired Council employee or a retired employee who worked under the administrative and technical control of the Council to present the case on his behalf, subject to such conditions as may be specified by the Council from time to time by general or special order in this behalf”.

4. In rule 24 of the said rules, in sub-rule 2 (i) in proviso (i), for the portion commencing with the words “on a consideration of the proceedings of such inquiry” and ending with the words “make such orders as it may deem fit”, the following shall be substituted, namely :—

“on a consideration of the proceedings of such inquiry, make such orders as it may deem fit”;

(ii) in proviso (ii), for the portion commencing with the words “the appellate authority shall” and ending with the words “make such orders as it may deem fit”, the following shall be substituted, namely :—

“the appellate authority shall make such orders as it may deem fit”.

5. In rule 26 of the said rules, the proviso (ii), the following shall be omitted, namely :—

“and after giving the person concerned an opportunity of making any representation which he may wish to make against such penalty.”

[F. No. 3(11)/76-El & EP]

क्र० १०१०१०२१.—केन्द्रीय सरकार ने निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संश्लिष्ट अपमार्जक के मंत्र में भारतीय मानक संस्था प्रमाणन चिह्न को मान्यता देने का प्रस्ताव निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1961 के नियम 11 के उप नियम (2) की अपेक्षानुसार भारत सरकार के वाणिज्य मंत्रालय के आदेश सं० का० आ० 867 तारीख 10 मार्च 1979 के अंतर्गत भारत के राजपत्र भाग II खंड 3, उपखंड (ii) तारीख 10 मार्च, 1979 में प्रकाशित किया था,

और इसके द्वारा, प्रभावित होने वाले सभी व्यक्तियों से 24 अप्रैल 1979 तक आक्षेप तथा सुझाव मांगे गये थे।

और उक्त राजपत्र की प्रतियां जनता को 10 मार्च, 1979 को उपलब्ध करा दी गयी थी,

और उक्त प्रारूप पर जनता से प्राप्त आक्षेपों तथा सुझावों पर केन्द्रीय सरकार ने विचार कर लिया है।

अतः निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इसके द्वारा इस दायित्व करने के प्रयोजन के लिये संश्लिष्ट अपमार्जक के संबंध में भारतीय मानक संस्था प्रमाणन चिह्न को मान्यता देती है। कि जहाँ संश्लिष्ट अपमार्जक के पावों या पैकेजों पर ऐसे चिह्न लगाए गए हैं वहाँ वे उक्त अधिनियम की धारा 6 के खंड (3) के अधीन उस पर लागू होने वाले मानक विनियमों के अनुरूप समझे जायेंगे।

स्पष्टीकरण.—इस अधिसूचना में “संश्लिष्ट अपमार्जक” से घरेलू कार्यों के लिए प्रयुक्त ऐल्किल एरिल प्रकार का एनायनिक अम्लीय अपमार्जक अभिप्रेत है। कार्यशील घटक ऐल्किल एरिल सल्फोनिक अम्ल का सोडियम नमक होगा। उत्पादित वस्तुओं के अंश प्रयोग को ध्यान में रखते हुए सूत्रण एक या अधिक बिल्टर या योगज हो सकते हैं। सामग्री मुक्त बूरे के पेस्ट तर्ल या गोणियों के रूप में होगी तथा उसमें कोई अशुद्धि नहीं होगी।

[सं० 6(28)/76-नि०नि० तथा नि०उ०]

S.O. 1021.—Whereas the Central Government, in exercise of the powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) published a proposal to recognise the Indian Standards Institution Certification Mark in relation to synthetic detergents as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964 in the Gazette of India, Part-II Section 3 Sub-section (ii), dated the 10th March, 1979, under the Order of the Government of India in the Ministry of Commerce No. S. O. 867, dated the 10th March, 1979.

And whereas objections and suggestions were invited till the 24th April, 1979 from all likely to be affected thereby.

And whereas the copies of the said Gazette were made available to the public on the 10th March, 1979;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government.

Now, therefore, in exercise of the powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises the Indian Standards Institution Certification Mark in relation to synthetic detergents for the purpose of denoting that where the cartons or packages of synthetic detergents are affixed or applied with such mark, they shall be deemed to be in conformity with the Standard specifications applicable thereto under clause (3) of section 6 of the said Act.

Explanation.—In this notification “synthetic detergents” means anionic nonsoapy detergents of the alkyl aryl type used for household and industrial purposes. The active ingredient shall be sodium salt of alkyl aryl sulphononic acid. The formulation may contain one or more of the builders of additives keeping in view of the free flowing powder, paste, liquid or tablets and shall not give any unpleasant odour.

[No. 6(28)/76-El & EP]

क्रा० आ० 1022.—भारत के निर्यात व्यापार के विकास के लिए संश्लिष्ट अपमार्जक को निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन लाने के लिए कतिपय प्रस्ताव निर्यात (क्वालिटी-नियंत्रण और निरीक्षण) नियम, 1964 के नियम-11 के उप-नियम (2) की अपेक्षाानुसार भारत सरकार के वाणिज्य मंत्रालय के आदेश संख्या का० आ० 866 तारीख 10 मार्च, 1979 के अधीन भारत के राजपत्र भाग II खंड-3, उपखंड (ii) तारीख 10 मार्च, 1979 में प्रकाशित किए गए थे ;

और उक्त राजपत्र की प्रतियां जनता को 13 मार्च, 1979 को उपलब्ध करा दी गयी थीं ;

और उनसे प्रभावित होने वाले सभी व्यक्तियों से 24 अप्रैल, 1979 तक आप्रोध और सुझाव मांगे गए थे ;

और उक्त प्राप्ति पर जनता से प्राप्त आप्रोधों और सुझावों पर केन्द्रीय सरकार ने विचार कर लिया है ।

घन: निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रवृत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार, निर्यात निरीक्षण परिषद् से परामर्श करने के पश्चात् अपनी यह राय होने पर कि भारत के निर्यात व्यापार के विकास के लिए ऐसा करना आवश्यक तथा समीचीन है इसके द्वारा :—

(1) अधिसूचित करती है कि संश्लिष्ट अपमार्जक निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अधीन होंगे,

(2) संश्लिष्ट अपमार्जक निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1980 के अनुसार क्वालिटी नियंत्रण और निरीक्षण के ऐसे प्रकार के रूप में विनिर्दिष्ट करती है जो निर्यात से पूर्व ऐसे संश्लिष्ट अपमार्जक को लागू होगा :—

(3) मान्यता देना—

(क) सुसंगत भारतीय मानक विनिर्देशों या किसी विदेश के अन्य राष्ट्रीय मानक विनिर्देशों को,

(ख) केता और विजेता के बीच करार पाए उन संविदात्मक विनिर्देशों को जो ऊपर (क) के अंतर्गत नहीं आते हैं किन्तु, निर्यात निरीक्षण परिषद् द्वारा अनुमोदित हैं,

(ग) निर्यात-कर्ता द्वारा घोषित ऐसे विनिर्देशों को, जो निर्यात कर्ता और विदेशी केता के बीच निर्यात संविदा के लिए विनिर्देशों के रूप में करार पाए हैं ऐसे निर्यात संविदाओं के लिए जो राजपत्र में इस आदेश के प्रकाशन की तारीख के पूर्व पुष्ट हो गयी है तथा उस तारीख से साठ दिनों की अवधि के भीतर निर्यात कर दिया गया है,

संश्लिष्ट अपमार्जक के लिए मानक विनिर्देशों के रूप में मान्यता देती है,

(4) अंतराष्ट्रीय व्यापार के दौरान ऐसे संश्लिष्ट अपमार्जक के निर्यात को तब तक प्रतिबन्धित करती है जब तक कि उसके साथ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन केन्द्रीय सरकार द्वारा स्थापित किसी अधिकरण द्वारा जारी किया गया इस आशय का प्रमाण-पत्र न हो कि संश्लिष्ट अपमार्जक उपरोक्त मानक विनिर्देशों के अनुरूप है या उस पर केन्द्रीय सरकार द्वारा नियम की धारा 8 के अंतर्गत मान्य मुहर या चिह्न लगाए गए हैं ।

2. इस आदेश की कोई भी बात :—

(क) भावी केताओं को मार्ग वायु मार्ग या समुद्र मार्ग द्वारा संश्लिष्ट अपमार्जक (1 किलोग्राम से अधिक) के वास्तविक नमूनों के निर्यात को लागू नहीं होगी ।

(ख) संश्लिष्ट अपमार्जक के उन प्रयोगों के निर्यात को लागू नहीं होगी जो इस आदेश के राजपत्र में प्रकाशन की तारीख से ठीक पूर्व विनिर्दिष्टा का निर्यात के परिमर से जा चुके हैं ।

3. इस आदेश में “संश्लिष्ट अपमार्जक” में घरेलू तथा औद्योगिक कार्यों के लिए प्रयुक्त ऐन्किल, ऐन्किल प्रकार का ज्वलानयनिक अम्लानी अपमार्जक अभिप्रेत है । कार्यशील घटक ऐन्किल ऐन्किल सल्फोनिक अम्ल का सोडियम नमक होगा । उत्पादन वस्तुओं के अन्तिम प्रयोग को ध्यान में रखते हुए सूत्रण से एक या अधिक त्रिभुज या योग्य हो सकते हैं, मामूली मुक्त बूरे के वैस्ट, तरल या गोलियों के रूप में होगी तथा उनमें कोई अभिय गंध नहीं होगी ।

4. यह आदेश राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगा ।

[सं० 6(28)/76-नि० नि० तथा नि० उ०]

S.O. 1022.—Whereas for the development of the export trade of India certain proposals for subjecting synthetic detergents of quality control and inspection prior to export, were published as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964 in the Gazette of India, Part-II-Section 3-Sub-section (ii), dated the 10th March, 1979, under the order of the Government of India in the Ministry of Commerce No. S. O. 866, dated the 10th March, 1979;

And whereas the copies of the said Gazette were made available to the public on the 13th March, 1979;

And whereas the objections and suggestions were invited till the 24th April, 1979 from all persons likely to be affected thereby;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government.

Now, therefore, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, after consulting the Export Inspection Council, being of opinion that it is necessary and expedient so to do for the development of the export trade of India hereby :—

(1) Notifies that synthetic detergents shall be subject to quality control and inspection prior to export;

(2) specifies the type of quality control and inspection in accordance with the Export of Synthetic Detergents (Quality Control and Inspection) Rules, 1980 as the type of quality control and inspection which would be applied to such synthetic detergents prior to export;

(3) recognises—

(a) the relevant Indian Standard Specifications or other national standard specifications of a foreign country;

(b) the contractual specifications, as agreed upon between the buyer and the exporter, not falling under (a) above but approved by Export Inspection Council;

(c) the specifications declared by the exporter to be the agreed specifications of the export contract between the foreign buyer and the exporter, for such export contracts as are confirmed prior to the date of publication of this Order in the Official Gazette, and exported within a period of sixty days from that date;

as the standard specifications for synthetic detergents.

(4) prohibits the export in the course of international trade of such synthetic detergents, unless the same is accompanied by a certificate, issued by an agency established by the Central Government under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), to the effect that

synthetic detergents conforms to the aforesaid standard specifications or affixed with a seal or recognised by the Central Government under section 8 of the said Act.

2. Nothing in this Order shall apply to the export of :—

(a) bonafide samples of synthetic detergents by land, sea or air (not exceeding 1 kg.) to the prospective buyers.

(b) Consignments of synthetic detergents which might have already left the premises of the exporter or manufacturer immediately prior to the date of publication of this order in the Official Gazette.

3. In this Order "synthetic detergents" shall mean 'anionic non-soapy detergents of the alkyl aryl type' used for household use and industrial purposes. The active ingredient shall be the sodium salt of alkyl aryl sulphonic acid. The formulations may contain one or more of the builders of additives keeping in view of the end use of the product. The material shall be in the form of free flowing powder, paste, liquid or tablets and shall not give any unpleasant odour.

4. This order shall come into force on the date of its publication in the Official Gazette.

[No. 6(28)/76-EI & EP]

क्रा० क्र० 1023.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निम्नलिखित नियम बनाती है, यथातः :—

1. (1) संक्षिप्त नाम तथा प्रारम्भ :— (1) इन नियमों का नाम संक्षिप्त नाम संश्लिष्ट अपमार्जक का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1980 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं :—इन नियमों में जब तक कि संदर्भ से अन्यथा अपेक्षित न हो :—

(क) "अधिनियम" से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) अभिप्रेत है :

(ख) "परिषद्" से अधिनियम की धारा 3 के अधीन स्थापित निर्यात निरीक्षण परिषद् अभिप्रेत है,

(ग) "अधिकरण" से अधिनियम की धारा 7 के अधीन कोचीन, मद्रास, कलकत्ता मम्बई और दिल्ली में स्थापित अधिकरणों में से कोई अधिकरण अभिप्रेत है,

(घ) "संश्लिष्ट अपमार्जक" से घरेलू तथा औद्योगिक कार्यों के लिए प्रदत्त ऐल्किल एरिल प्रकार का जूनायनिक असाबनी अपमार्जक अभिप्रेत है। कार्यशील अटक ऐल्किल एरिल सल्फोनिन अम्ल का सोडियम नमक होगा। उत्पादित वस्तुओं के अन्तिम प्रयोग का ध्यान में रखते हुए सूत्रण में एक या अधिक लिट्जर या योग्य हो सकते हैं। सामग्री मुक्त चूरे, पेस्ट, तरल या गोलियों के रूप में होगी तथा उसमें कोई अप्रिय गंध नहीं होगी।

(ङ) "अनुसूची" में इन नियमों से संलग्न अनुसूची अभिप्रेत है।

3. निरीक्षण का आधार—निर्यात किए जाने वाले संश्लिष्ट अपमार्जक का निरीक्षण इस दृष्टि से किया जाएगा कि संश्लिष्ट अपमार्जक निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्य विनिर्देशों के अनुरूप है।

या

(क) यह सुनिश्चित करने हुए किया जाएगा कि उत्पादन का विनिर्माण उत्पादन के दौरान उम आवश्यक क्वालिटी नियंत्रण का प्रयोग करते हुए किया गया है जो उपबंध 1 में विनिर्दिष्ट है।

या

(ख) उपबंध II में विनिर्दिष्ट रीति के अनुसार किए गए निरीक्षण तथा परीक्षण के आधार पर किया जाएगा।

4. निरीक्षण की प्रक्रिया—

संश्लिष्ट अपमार्जक के परेषण का निर्यात करने का हृच्छुक निर्यातकर्ता संबिदा या आदेश की एक प्रति के साथ संधिबामक विनिर्देशों का झ्यौरा खेते हुए अधिकरण को लिखित रूप में सूचना देगा ताकि अधिकरण नियम 3 के अनुसार निरीक्षण कर सके।

(2) निर्यात के लिए संश्लिष्ट अपमार्जक का विनिर्माण उत्पादन के दौरान उम पर्याप्त क्वालिटी नियंत्रण का प्रयोग करने हुए किया गया है जो उपबंध 1 में विनिर्दिष्ट है और परिषद् द्वारा इस प्रयोजन के लिए गठित विशेषज्ञों के पैतल ने यह न्यायनिर्णीत किया है कि विनिर्माण युनित में उत्पादन के दौरान क्वालिटी नियंत्रण रखने की पर्याप्त व्यवस्था है तो निर्यातकर्ता उपनियम (1) में उल्लिखित सूचना के साथ एक घोषणा भी देगा कि निर्यात के लिए आशयित संश्लिष्ट अपमार्जक के परेषण का विनिर्माण उपबंध 1 में अधिकृतित पर्याप्त क्वालिटी नियंत्रण का प्रयोग करने हुए किया गया है तथा परेषण इस प्रयोजन के लिए मान्य मानक विनिर्देशों के अनुरूप है।

(3) ऐसी प्रत्येक सूचना या घोषणा या दोनों की एक प्रति साथ ही साथ परिषद् के किसी भी निम्नलिखित कार्यालय को भेजी जाएगी जो निरीक्षण के स्थान के निकटतम है, यथातः :— मुख्य कार्यालय

निर्यात निरीक्षण परिषद्, 'बल्लू ट्रेड सेन्टर', 14/1 बी, एजरा स्ट्रीट (7वीं मंजिल) कलकत्ता-70001

क्षेत्रीय कार्यालय

निर्यात निरीक्षण परिषद्, अमन जैम्बस 113, महर्षि कार्वे रोड, मम्बई-400004 निर्यात निरीक्षण परिषद्, मनोहर बिल्डिंग महात्मा गांधी रोड, एनर्कुलम कोचीन, 682011 निर्यात निरीक्षण परिषद्, म्युनि-निसिपल मार्केट बिल्डिंग 3, सर-स्वती मार्ग, करोल बाग, नयी दिल्ली-110005.

(4) निर्यातकर्ता अधिकरण को परेषण पर लगाए गए पहचान चिह्न भी देगा।

(5) उपर्युक्त उपनियम (1) के अधीन प्रत्येक सूचना विनिर्माता के परिसर से परेषण के भेजे जाने से कम से कम सात दिन पहले दी जाएगी जब कि उपनियम (2) के अधीन घोषणा के साथ सूचना विनिर्माता के परिसर से परेषण के भेजे जाने से कम से कम तीन दिन पहले दी जाएगी।

(6) उपनियम (1) के अधीन सूचना और उपनियम (2) के अधीन घोषणा, यदि कोई हो, प्राप्त होने पर अधिकरण :—

(क) अपना यह समाधान कर लेने पर कि विनिर्माण की प्रक्रिया के दौरान विनिर्माता ने पर्याप्त क्वालिटी नियंत्रणों का प्रयोग किया है जो उपबंध 1 में अधिकृतित हैं और इस प्रयोजन के लिए मान्य मानक विनिर्देशों के अनुरूप उत्पादन का विनिर्माण करने के इस संबंध में परिषद् द्वारा जारी किए गए अनुदेशों का

यदि कोई, हो, पालन किया गया है तीन दिन के भीतर यह घोषणा करने हुए प्रमाण पत्र जारी करेगा कि संश्लिष्ट अपमार्जक का परेपण नियमित योग्य है। उन दशाओं में जहाँ विनिर्माता नियमितकर्ता नहीं है वहाँ परेपण की भौतिक रूप से पड़ताल की जाएगी और ऐसा गत्यापन तथा निरीक्षण आवश्यकतानुसार अधिकरण द्वारा यह सुनिश्चित करने के लिए किया जाएगा कि उपरोक्त शर्तों का पालन किया गया है किन्तु अधिकरण नियमित के लिए आशयित कुछ परेपणों को भीके पर जांच करेगा।

(ख) उस दशा में जहाँ नियमितकर्ता ने उपनियम (2) के अधीन यह घोषित नहीं किया है कि पर्याप्त क्वालिटी नियंत्रण का प्रयोग किया है जो उपाबन्ध I में अधिकथित है तो अधिकरण निरीक्षण तथा परीक्षण के आधार पर जो उपाबन्ध II में अधिकथित है या दोनों के आधार पर अपना यह समाधान कर लेने पर कि संश्लिष्ट अपमार्जक का परेपण इस प्रयोजन के लिए मान्य मानक विनिर्देशों के अनुरूप है। ऐसी निरीक्षण करने के सात दिनों के भीतर यह घोषणा करने हुए प्रमाण पत्र जारी करेगा कि संश्लिष्ट अपमार्जक का परेपण नियमित योग्य है, परन्तु जहाँ अधिकरण का यह समाधान नहीं हो पाता है वहाँ वह नियमितकर्ता को, यथास्थिति उक्त तीन या सात दिनों की अवधि के भीतर यह घोषणा करने का कि संश्लिष्ट अपमार्जक का परेपण नियमित योग्य है प्रमाण पत्र जारी कर देगा तथा ऐसे ह्दकार की सूचना उसके कारणों सहित नियमितकर्ता को देगा,

(7) उस दशा में जहाँ विनिर्माता नियमितकर्ता नहीं है या परेपण का उपनियम (6) (ख) के अधीन निरीक्षण किया जाता है या दोनों दशाओं में निरीक्षण की समाप्ति के ठीक बाद अधिकरण परेपण में पैकेजों को यह सुनिश्चित करने के लिए इस रीति से मुहरबंद करेगा कि यह सुनिश्चित हो जाए कि मुहरबंद पैकेजों के साथ छेड़छाड़ न की जा सके। परेपण की नामंजुरी की दशा में, यदि नियमितकर्ता ऐसा चाहे तो परेपण अधिकरण द्वारा मुहरबंद नहीं किया जाएगा किन्तु ऐसी दशाओं में, नियमितकर्ता नामंजुरी के विरुद्ध अपील करने का ह्दकार नहीं होगा।

5. मान्य चिह्न लगाना तथा उसकी प्रक्रिया :—

भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम, 1952 (1952 का 36) भारतीय मानक संस्था (प्रमाणन चिह्न) नियम, 1955 और भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम, 1955 के उपाबन्ध, नियमित के लिए आशयित संश्लिष्ट अपमार्जक पर मोहर या मान्य चिह्न लगाने की प्रक्रिया के संबंध में, जहाँ तक हो सके लागू होंगे।

6. निरीक्षण का स्थान :—

इन नियमों के अधीन प्रत्येक निरीक्षण या तो

- (क) ऐसे उत्पाद के विनिर्माता के परिसर पर किया जाएगा, या
- (ख) उस परिसर पर किया जाएगा जहाँ नियमितकर्ता द्वारा माल प्रस्तुत किया जाता है परन्तु यह कि वहाँ इस प्रयोजन के लिए पर्याप्त सुविधाएं उपलब्ध हो।

7. निरीक्षण फीस :—

प्रत्येक परेपण के लिए कम से कम 25/- और अधिक से अधिक 1,000 रुपये की शर्त के अधीन रहते हुए, पोट पर्यन्त निःशुल्क मूल्य के प्रत्येक एक सौ रुपये के ऐसे प्रत्येक परेपण के लिए पचास पैसे की दर से फीस, निरीक्षण फीस के रूप में दी जाएगी।

8. अपील :—

(1) नियम 4 के उपनियम (6) के अधीन अधिकरण द्वारा प्रमाण पत्र देने के ह्दकार से व्यथित कोई व्यक्ति, ऐसे ह्दकार की सूचना प्राप्त

होने से दस दिन के भीतर केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए गठित किए गए विशेषज्ञों के पैनल को जिसमें कम से कम तीन और अधिक से अधिक सात व्यक्ति होंगे को अपील कर सकेगा।

(2) पैनल की विशेषज्ञों की कुल सदस्यता के दो तिहाई सदस्य प्रणामकीय व्यक्ति होंगे।

(3) पैनल की गणपूर्ति तीन से होगी।

(4) विशेषज्ञों का पैनल अपील प्राप्त होने से पन्द्रह दिन के भीतर उसे निपटा देगा।

उपाबन्ध I

[नियम 3 (क) देखिए]

क्वालिटी नियंत्रण

विनिर्माता संश्लिष्ट अपमार्जक का क्वालिटी नियंत्रण, उत्पादों के विनिर्माण, परिरक्षण और पैकिंग के विभिन्न प्रक्रमों पर जो विस्तृत विनिर्माण रखकर तथा इससे संलग्न अनुसूची में वर्णित नियंत्रण के स्तरों के अनुसार करेगा।

(I) क्रय तथा कच्ची सामग्री नियंत्रण

(क) प्रयोग की जाने वाली कच्ची सामग्री की विशेषताओं का उल्लेख करते हुए, विनिर्माता क्रय विनिर्देश अधिकथित करेगा।

(ख) स्वीकृत परेपणों के साथ या तो क्रय विनिर्देशों की अपेक्षाओं की संपुष्टि करने हुए प्रदायकर्ता का परीक्षण और निरीक्षण प्रमाण पत्र होगा, जिस दशा में केता उपयुक्त परीक्षण या निरीक्षण प्रमाणपत्र की शुद्धता को सत्यापित करने के लिए किसी विशिष्ट प्रदायकर्ता के दस परेपणों में कम से कम एक के बाद आकस्मिक जांच करेगा या क्रय किए गए माल का कारखाने के भीतर स्थित प्रयोगशाला में या किसी बाह्य प्रयोगशाला में या परीक्षण गृह में नियमित रूप से परीक्षण और निरीक्षण किया जाएगा।

(ग) निरीक्षण या परीक्षण के लिए नमूने का लेना अभिलिखित श्रव्येषणों पर आधारित होगा।

(घ) निरीक्षण या परीक्षण किए जाने के पश्चात् मंजूर की गयी और नामंजूर की गयी सामग्री का पृथकीकरण और नामंजूर की गयी सामग्री का निपटान करने के लिए व्यवस्थित पद्धतियां अपनाई जाएंगी।

(ङ) विनिर्माता द्वारा उपरोक्त नियंत्रणों के बारे में पर्याप्त अभिलेख नियमित और व्यवस्थित रूप से रखे जाएंगे।

(ii) प्रक्रिया नियंत्रण :—

(क) विनिर्माण के विभिन्न स्तरों के लिए विनिर्माता विस्तृत प्रक्रिया विनिर्देश अधिकथित करेगा।

(ख) प्रक्रिया विनिर्देशों में अधिकथित प्रक्रियाओं के नियंत्रण के लिए पर्याप्त उपास्कर और उपकरण सुविधाएं होंगी।

(ग) विनिर्माण की प्रक्रिया के दौरान नियंत्रण के सत्यापन को सुनिश्चित करने के लिए विनिर्माता पर्याप्त अभिलेख रखेगा।

(iii) उत्पाद नियंत्रण :—

(क) यह जांच करने के लिए कि उत्पाद, अधिनियम की धारा 6 के अधीन मान्य विनिर्देशों के अनुरूप है परीक्षण करने के लिए या तो विनिर्माता के पास अपने परीक्षण सुविधाएं होंगी या उसकी पहुंच वहाँ तक होगी जहाँ ऐसी परीक्षण सुविधाएं विद्यमान हों।

(ख) परीक्षण और निरीक्षण के लिए नमूने का लेना अभिलिखित श्रव्येषणों पर आधारित होगा।

(ग) नमूना लेने तथा किए गए परीक्षण के बारे में पर्याप्त अभिलेख नियमित और व्यवस्थित रूप से रखे जाएंगे।

(घ) उत्पाद की जांच करने के लिए नियंत्रण के न्यूनतम स्तर वे होंगे जो अनुसूची में विनिर्दिष्ट हैं।

(iv) परिरक्षण नियंत्रण :—

भंडारिकरण और अभिवहन, दोनों के दौरान, उत्पाद भलीभांति परिरक्षित किया जाएगा।

(v) पैकिंग नियंत्रण :—

उत्पाद की पैकिंग करने के लिए पैकिंग विनिर्देश अनुसूची में वर्णित नियंत्रणों को पूरा करते हुए अधिकथित किए जाएंगे।

अनुसूची

(उत्पादों के लिए नियंत्रण के स्तर)

(उपाबंध-1 का उप-पैरा (iii) (घ) को देखिए)

क्रम सं०	विशेषताएं	अपेक्षाएं	परीक्षण किए जाने वाले नमूनों की संख्या	आवृत्ति	टिप्पणी
1	2	3	4	5	6
1.	कार्यशील घटक	मानक विनिर्देशों के अनुसार	1	प्रति बैच	—
2.	सोडियम पोली कास्फेट	यथोक्त	1	यथोक्त	—
3.	1 प्रतिशत घोल की [पी० एच० 27% से०, पर	यथोक्त	1	यथोक्त	—
4.	आद्रता तथा विलेय पदार्थ 105 से० पर	यथोक्त	1	यथोक्त	जब कभी लागू हों
5.	पानी में विलेय पदार्थ योक्त	यथोक्त	1	यथोक्त	यथोक्त
6.	अल्कोहल में विलेय पदार्थ	यथोक्त	1	यथोक्त	यथोक्त
7.	स्पष्ट बिन्दु	यथोक्त	1	यथोक्त	यथोक्त
8.	अपमार्जक और कार्बनिक पदार्थ	यथोक्त	1	यथोक्त	यथोक्त
9.	अन्य परीक्षण	यथोक्त	1	यथोक्त	यथोक्त

पैकिंग के लिए नियंत्रण के स्तर

(उपाबंध-1 का उप-पैरा (v) देखिए)

1. पैकेज पात्र देखने में सुंदर होंगे तथा इतने मजबूत होंगे कि उन्हें अभिवहन के दौरान हथेलाने से टूट न जाएं।

2. प्रत्येक पैकेज/पात्र पर निम्नलिखित सूचना दी होगी, अर्थात् :—

(क) सामग्री का नाम :—

(ख) विनिर्माता का नाम तथा व्यापार चिह्न, यदि कोई हो।

(ग) सामग्री की मात्रा।

(घ) बैच संख्या।

उपाबंध II

(नियम 3 (ख) देखिए)

परेशानुसार निरीक्षण

1. संश्लिष्ट अपमार्जक का परेषण का निरीक्षण यह सुनिश्चित करने के लिए किया जाएगा कि वे अधिनियम की धारा 6 के अधीन मान्य मानक विनिर्देशों के अनुरूप हैं।

20 GI/80—6

2. नमूना मान बंधों की बाबत संविदात्मक विनिर्देशों में विशिष्ट अनुबंधों के न होने पर नीचे दी गयी सारणी में अधिकथित मानदंड लागू होंगे।

सारणी

नमूना लेने के लिए मापदंड

लॉट में पैकेजों की संख्या	एक साथ चूने गए पैकेजों की संख्या
3 तक	2
4 से 15	3
16 से 40	4
41 से 65	5
66 से 110	7
111 तथा उससे ऊपर	10

टिप्पणी :—

एक परेषण में एक ही प्रकार और रूप के संश्लिष्ट अपमार्जक के सभी पैकेज लॉट समझे जाएंगे। उपर्युक्त चूने हुए पैकेजों में से नमूना लेने के प्रयोजन के लिए एक साथ एक या एक से अधिक पात्र निकाले जाएंगे।

[सं० 6(28)/76-नि० नि० तथा नि० उ०]

S.O. 1023.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, hereby makes the following rules, namely :—

1. Short title and commencement : (1) These rules may be called the Export of Synthetic Detergents (Quality Control and Inspection) Rules, 1980.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions—In these rules, unless the context otherwise requires.

(a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

(b) "Council" means the Export Inspection Council established under section 3 of the Act;

(c) "agency" means any one of the agencies established under section 7 of the Act at Cochin, Madras, Calcutta, Bombay and Delhi;

(d) "synthetic detergents" means anionic non-soapy detergents of the alkyl aryl type, used for household use and industrial purposes. The active ingredient shall be the sodium salt of alkyl aryl sulphonic acid. The formulations may contain one or more of the builders or additives keeping in view of the end use of the product. The material shall be in the form of a free flowing powder, paste, liquid or tablets and shall not give any unpleasant odour;

(e) "Schedule" means a Schedule appended to these rules.

3. Basis of Inspection—Inspection of synthetic detergents for export shall be carried out with a view to seeing that the synthetic detergents conform to the specifications recognised by the Central Government under section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

either,

(a) by ensuring that the products have been manufactured by exercising necessary in process quality control as specified in Annexure-I.

or,

(b) on the basis of inspection and testing carried out in the manner specified in Annexure-II.

4. Procedure of Inspection—

(1) An exporter intending to export a consignment of synthetic detergents shall be given an intimation in writing to the agency furnishing therein details of the contractual specifications along with a copy of the export contract or order to enable the agency to carry out inspection in accordance with rule 3.

(2) For export of synthetic detergents manufactured by **exercising adequate in-process quality control as laid down in Annexure-I** and in case the manufacturing unit has been adjudged as having adequate in-process quality control drills by the Council or panel of Experts constituted by the Council for this purpose, the exporter shall also submit along with the intimation mentioned in sub-rule (1) a declaration that the consignment of synthetic detergents intended for export **has been manufactured by exercising adequate quality control as laid down in Annexure-I** and that the consignment conforms to the standard specifications recognised for the purpose.

(3) A copy of each such intimation or declaration or both shall also be simultaneously endorsed to any one of the following offices of the Council, which is nearest to the place of inspection namely :—

Head Office :

Export Inspection Council, 'World Trade Centre' 14/1B, Ezra Street, (7th Floor), Calcutta-700001.

Regional Office :

Export Inspection Council, Aman Chambers, 113, M. Karve Road, Bombay-400004.

Export Inspection Council, Manohar Building, Mahatma Gandhi Road, Ernakulam, Cochin-682001.

Export Inspection Council, Municipal Market Building, 3, Saraswati Marg, Karol Bagh, New Delhi-110005.

(4) The exporter shall also furnish to the agency the identification marks applied on the consignment.

(5) Every intimation under sub-rule (1) above shall be given not less than seven days prior to the despatch of the consignment from the manufacturer's premises, while intimation along with the declaration under sub-rule (2) shall be given not less than three days prior to the despatch of the consignment from the manufacturer's premises.

(6) On receipt of the intimation under sub-rule (1) and the declaration, if any, under sub-rule (2) the agency—

(a) on satisfying itself that during the process of manufacture the manufacturer had exercised adequate quality control as laid down in Annexure-I and followed the instructions, if any issued by the council in this regard to manufactured the product to conform to the standard specifications recognised for the purpose, shall within three days, issue a certificate declaring the consignment of synthetic detergents as export-worthy. In case where the manufacturer is not the exporter, however, the consignment shall be physically verified and such verification and inspection as necessary shall be carried out by the agency to ensure the above conditions are complied with. The agency shall, however, conduct spot checks of some of the consignments meant for export;

(b) in case where the exporter has not declared under sub-rule (2) that adequate quality control as laid down in Annexure I had been exercised, on satisfying itself that the consignment of synthetic detergents conforms to the standard specifications recognised for the purpose, on the basis of inspection or testing carried out as laid down in Annexure-II, or on the basis of both, shall, within seven days of carrying out such inspection, issue a certificate declaring the consignment of synthetic detergents as exportworthy; Provided that where the agency is not so satisfied it shall within the said period of three or seven days, as the case may be, refuse to issue a certificate to the exporter declaring the consignment of synthetic

detergents as exportworthy and communicate such refusal to the exporter along with the reasons therefor;

(7) In case where the manufacturer is not the exporter or the consignment is inspected under sub-rule (6) (b), or in both the cases, the agency shall, immediately after completion of the inspection, seal the packages in the consignment in a manner as to ensure that the sealed packages cannot be tampered with. In case of rejection of the consignment, if the exporter so desires, the consignment may not be sealed by the agency, but in such cases, however the exporter shall not be entitled to prefer any appeal against the rejection.

5. Affixation of recognised mark and procedure thereof.—The provision of the Indian Standards Institution (Certification Marks) Act, 1952 (36 of 1952), the Indian Standards Institution (Certification Marks) Rules, 1955 and the Indian Standards Institution (Certification Marks) Regulations, 1955 shall, so far as may apply in relation to the procedure of affixation of the recognised mark or seal on synthetic detergents meant for export.

6. Place of Inspection.—Every inspection under these rules shall be carried out either (a) at the premises of the manufacturer of such product; or (b) at the premises at which the goods are offered by the exporter provided adequate facilities for the purpose exist therein.

7. Inspection fee.—Subject to a minimum of Rs. 25 and a maximum of Rs. 1000 for each consignment, a fee at the rate of fifty paise for every one hundred rupees of the F.O.B. value for each such consignment shall be paid as inspection fee.

8. Appeal.—(1) Any person aggrieved by the refusal of the agency to issue a Certificate under sub-rule (6) of rule 4, may, within ten days of the receipt of communication of such refusal by him, prefer an appeal to such panel of experts consisting of not less than three but not more than seven persons as may be constituted by the Central Government for the purpose.

(2) The panel of experts shall consist of at least two-thirds of non-officials of the total memberships of the panel of experts.

(3) The quorum for the panel of experts shall be three.

(4) The appeal shall be disposed of by the panel of experts within fifteen days of its receipt.

ANNEXURE I

[See under Rule 3(a)]

Quality Control

The quality control of synthetic detergents shall be ensured by the manufacturer by effecting the following controls at different stages of manufacture, preservation and packing of the products as laid down below, together with the levels of control as set out in the schedule appended hereto.

(i) Purchase and raw material control : (a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of raw materials to be used.

(b) Either the accepted consignments shall be accompanied by a supplier's test and inspection certificate corroborating the requirements of the purchase specifications, in which case occasional checks shall be conducted at least once in 10 consignments by the purchaser for a particular supplier to verify the correctness of the aforesaid test or inspection certificate or the purchased material shall be regularly tested and inspected either in the laboratory within the factory or in an outside laboratory or test house.

(c) The sampling for inspection or test to be carried out shall be based on the recorded investigations.

(d) After the inspection or test is carried out systematic methods shall be adopted in segregating the accepted and rejected materials and for disposal of the rejected materials.

(e) Adequate records in respect of the aforesaid controls shall be regularly and systematically maintained by the manufacturer.

(ii) Process Control : (a) Detailed process specifications shall be laid down by the manufacturer for different stages of manufacture.

(b) Equipment and instrumentation facilities shall be adequate to control the processes as laid down in the process specifications.

(c) Adequate record shall be maintained by the manufacturer to ensure the possibility of verifying the controls exercised during the process of manufacture.

(iii) Product Control : (a) The manufacturer shall have either his own testing facilities or shall have access to such testing facilities existing elsewhere to check up whether the product conforms to specifications recognised under section 6 of the Act.

(b) Sampling for test and inspection to be carried out shall be based on the recorded investigation.

(c) Adequate records in respect of sampling and test carried out shall be regularly and systematically maintained.

(d) The minimum levels to control of check the products shall be as specified in the Schedule.

(iv) Preservation Control.—The product shall be well preserved both during the storage and transit.

(v) Packing Control—Packing specifications shall be laid down with a view to satisfying the controls as mentioned in the schedule for packing of the products.

SCHEDULE

1. Levels of Control for Products

[See sub-paragraph (iii) (d) of Annexure-I]

Sl. No.	Characteristics	Requirements	No. of samples to be tested	Frequency	Remarks
1	2	3	4	5	6
1.	Active ingredient	As per standard specifications	1	per batch	—
2.	Sodium Tripolyphosphate (STPP)	-do-	1	-do-	—
3.	Ph of 1% solution at 27°C	-do-	1	-do-	—
4.	Moisture and volatile matter content at 105°C	-do-	1	-do-	When-ever applicable
5.	Matter in soluble in water	-do-	1	-do-	-do-
6.	Matter in soluble Alcohol	-do-	1	-do-	-do-

1	2	3	4	5	6
7.	Clear Point	As per Standard	1	per batch	When-ever applicable
8.	Non-detergent organic matter	-do-	1	-do-	-do-
9.	Other tests	-do-	1	-do-	-do-

2. Levels of Control for Packing

(See sub-paragraph (v) of the Annexure-I)

1. The packages/container shall have a good presentability and sufficient strength to stand handling during transit.

2. The following information shall be given on each package/container namely :—

- Name of the material
- Manufacturer's name and trade mark, if any
- Quantity of the material
- Batch number.

ANNEXURE I

[See under rule 3(b)]

Consignment wise Inspection

1. The consignment of synthetic detergents shall be subjected to inspection and testing to ensure conformity of the same to the standard specifications recognised under section 6 of the Act.

2. In the absence of specific stipulation in the contractual specifications as regard sampling criteria, the same laid down in Table given below shall become applicable

TABLE

Scale of Sampling

No. of packages in the lot	No. of packages to be selected at random
Upto 3	2
4 to 15	3
16 to 40	4
41 to 65	5
66 to 110	7
111 and above	10

N.B. In a single consignment all the packages containing synthetic detergents of the same type and form shall constitute a lot. From each one of the packages selected as above, draw at random one or more containers for the purpose of sampling.

[No. 6(28)/76-EI & EP]

का० प्रा० 1024.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इसके द्वारा संश्लिष्ट अपमार्जक को निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण करने के लिए निम्नलिखित अधिकरणों को मान्यता देती है, अर्थात् :—

1. निर्यात निरीक्षण अधिकरण—कलकत्ता
वर्ल्ड ट्रेड सेंटर, (फ्रांसीसी मंजिल)
14/1 बी० एजरा स्ट्रीट,
कलकत्ता-700001.
2. निर्यात निरीक्षण अधिकरण—मद्रास,
123, माउंट रोड, मद्रास 600006।
3. निर्यात निरीक्षण अधिकरण मुम्बई
अमन चैम्बर्स, (चौथी मंजिल)
113, महर्षि कर्वे रोड,
मुम्बई-400004।
4. निर्यात निरीक्षण अधिकरण—कोचीन,
मनोहर बिल्डिंग, महात्मा गांधी
रोड, एर्नाकुलम कोचीन-682011।
5. निर्यात निरीक्षण अधिकरण—दिल्ली
म्युनिसिपल मार्केट बिल्डिंग (चौथी
मंजिल) 3, सरस्वती मार्ग, करोल
बाग, नयी दिल्ली-110005।

स्पष्टीकरण :—इस अधिसूचना में “संश्लिष्ट अपमार्जक” से घरेलू तथा औद्योगिक कार्यों के लिए प्रयुक्त ऐल्कल एरिल प्रकार का ऋणयोगिक असाबुनी अपमार्जक अभिप्रेत है। कार्यशील घटक ऐल्कल एरिल सल्फोनिन उम्ल का सोडियम न कम होगा। उत्पादित वस्तुओं के अन्तिम के प्रयोग को ध्यान में रखते हुए सूक्ष्म में से एक या अधिक बिल्लर या योगज हो सकते हैं। सामग्री मुक्त बूरे, के पेस्ट तरल या गोलियों के रूप में होगी तथा उसमें कोई अप्रिय गंध नहीं होगी।

[सं० 6(28)/76-नि० नि० तथा नि० उ०]

S.O. 1024.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government, hereby, recognises the following agencies for quality control and inspection of synthetic detergents prior to its export, namely :—

1. Export Inspection Agency—Calcutta,
World Trade Centre,
14/1B, Ezra Street, (8th Floor),
Calcutta-700001.
2. Export Inspection Agency—Madras,
123, Mount Road,
Madras-600005.
3. Export Inspection Agency—Bombay,
Aman Chambers, (4th Floor),
113, M. Karve Road,
Bombay-400004.
- Export Inspection Agency—Cochin,
Marohar Building,
Mahatma Gandhi Road,
Ernakulam,
Cochin-682011.
5. Export Inspection Agency—Delhi,
Municipal Market Building,
3, Saraswati Marg, Karol Bagh,
New Delhi-110005.

Explanation.—In this notification ‘synthetic detergents’ means anionic nonsoapy detergents of the alkyl aryl type used for household use and industrial purposes. The active ingre-

dients shall be the sodium salt of alkyl aryl sulphonic acid. The formulation may contain one or more of the builders of additive keeping in view of the end use of the product. The material shall be in the form of a free flowing powder, paste, liquid or tablets and shall not give any unpleasant odour.

[No. 6(28)/76-EI & EP]

का० प्रा० 1025.—भारत के निर्यात व्यापार के विकास के लिए बासमती चावल निर्यात से पूर्व क्वालिटी नियंत्रण और निरीक्षण करने के लिए कनिष्ठ प्रस्ताव निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उप-नियम (2) की अपेक्षानुसार भारत सरकार के वाणिज्य मंत्रालय के आदेश सं० का० प्रा० 1091 तारीख 31 मार्च, 1979 के अधीन भारत के राजपत्र भाग--2, खंड--3, उप खंड (ii) तारीख 31 मार्च, 1979 में प्रकाशित किए गए थे।

और उससे प्रभावित होने वाले सभी व्यक्तियों से उक्त आदेश के प्रकाशन के 45 दिन के भीतर आक्षेप और सुझाव मांगे गये थे;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को 2 अप्रैल, 1979 को उपलब्ध करा दी गई थीं;

और उक्त प्रावधान पर जनता से प्राप्त आक्षेपों और सुझावों पर केन्द्रीय सरकार ने विचार कर लिया है;

अतः केन्द्रीय सरकार निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निर्यात निरीक्षण परिषद् से परामर्श करने के पश्चात् अपनी यह राय होने पर कि भारत के निर्यात व्यापार के विकास के लिये ऐसा करना आवश्यक और समीचीन है इसके द्वारा :—

- (1) अधिसूचित करती है कि बासमती चावल का निर्यात से पूर्व क्वालिटी नियंत्रण तथा निरीक्षण किया जाएगा।
- (2) बासमती चावल निर्यात (निरीक्षण) नियम, 1980 के अनुसार निरीक्षण के प्रकार को क्वालिटी नियंत्रण और निरीक्षण के प्रकार के रूप में विनिर्दिष्ट करती है जो ऐसे चावल से बासमती चावल पर निर्यात से पूर्व लागू किया जाएगा।
- (3) अन्तर्राष्ट्रीय व्यापार के दौरान बासमती चावल के निर्यात को तब तक प्रतिबिद्ध करती है जब तक कि ऐसे बासमती चावल के पोखों या पैकेजों पर केन्द्रीय सरकार द्वारा मान्यताप्राप्त मुहर या बिल्ल न लगा हो कि वह उस पर लागू मानक विनियमों के अनुरूप है और उसके साथ भारत सरकार के कृषि विपणन सलाहकार या उसके द्वारा इस निमित्त प्राधिकृत अधिकारी द्वारा जारी किया गया श्रेणिकरण का प्रमाण-पत्र उसकी निर्यात योग्यता के प्रमाण स्वरूप न लगा हो।
4. इस आदेश की कोई भी बात भावी बासमती चावल के ऐसे नमूनों को लागू नहीं होगी जो भूमार्ग, जल मार्ग या वायु मार्ग द्वारा भावी क्रेताओं की निर्यात किए जाते हैं और जिनका मूल्य पचास रुपये से अधिक नहीं है।
5. इस आदेश में “बासमती चावल” से भारत में उत्पादित बासमती चावल अभिप्रेत है।

[सं० 6(8)/77-नि० नि० तथा नि० उ०]

S.O. 1025.—Whereas for the development of export trade of India certain proposals for subjecting Basmati Rice to quality control and inspection prior to export were published as required by sub-rule (2) of rule 11 of the Export (Qua-

lity Control and Inspection) Rules, 1964 under the Order of the Government of India in the late Ministry of Commerce No. S.O. 1091, dated the 31st March, 1979 published in the gazette of India Part-II Section-3, Sub-section (ii), dated the 31st March, 1979;

And whereas the objections and suggestions were invited within 45 days of the publication of the said Order from all person likely to be affected thereby;

And whereas copies of the said Gazette notification were made available to the public on the 2nd April, 1979;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government after consulting the Export Inspection Council, being of opinion that it is necessary and expedient so to do for the development of export trade of India, hereby—

(1) notifies that Basmati Rice shall be subject to quality control and inspection prior to export;

(2) specifies the type of inspection in accordance with the Export of Basmati Rice (Inspection) Rules, 1980 as the type of quality control and inspection which shall apply to such Basmati Rice prior to export;

(3) recognises the grade designations formulated under the Basmati Rice (Export) Grading and Marking Rules, 1980;

(4) prohibits the export in the course of international trade of Basmati Rice unless a mark or seal recognised by the Central Government indicating that it conforms to the standard specifications applicable to it has been affixed or applied to packages or containers of such Basmati Rice and is accompanied by the Certificate of Grade issued by the Agricultural Marketing Adviser to the Government of India or by an Officer authorised by him in this behalf, in token of its export worthiness.

3. Nothing in this order shall apply to export by sea, land or air of samples of Basmati Rice not exceeding in value of rupees fifty to prospective buyers.

4. In this order, "Basmati Rice" shall mean the Basmati Rice produced in India.

5. This Order shall come into force on the date of its publication in the Official Gazette.

[No. 6(8)/77-EI & EP]

का० अा० 1026.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ :—(1) इन नियमों का संक्षिप्त नाम बासमती चावल निर्यात (निरीक्षण) नियम, 1980 है।

(2) ये राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।

2. परिभाषाएँ :—इन नियमों में जब तक संदर्भ से अन्यथा अपेक्षित न हो,

(क) "अधिनियम" से निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है।

(ख) "कृषि विपणन सलाहकार" से भारत सरकार का कृषि विपणन सलाहकार अभिप्रेत है।

(ग) "निरीक्षण अधिकारी" से बासमती चावल के निरीक्षण के लिए विपणन सलाहकार द्वारा प्राधिकृत ऐसा अधिकारी अभिप्रेत है

जो अधिनियम की धारा 7 के अधीन अभिकरण के रूप में मान्य है।

(घ) "प्राधिकृत पैकर" से ऐसे व्यक्ति या व्यक्तियों के ऐसा निकाय अभिप्रेत है जिसको भारत सरकार के कृषि विपणन सलाहकार द्वारा नियमों के अधीन विहित मानक श्रेणी और प्रतिक्रिया के अनुसार वस्तु को श्रेणीकृत और एमार्क कराने के प्राधिकार का प्रमाण-पत्र दिया गया है।

(ङ) "प्राधिकार का प्रमाण-पत्र" से कृषि विपणन सलाहकार या इस निमित्त प्राधिकृत किसी अन्य अधिकारी द्वारा किसी व्यक्ति या व्यक्तियों के किसी निकाय को दिया गया प्रमाण-पत्र अभिप्रेत है जो अधिनियम की धारा 6 के अधीन मान्यता प्राप्त बासमती चावल के लिए मान्य विनिर्देशों के अनुसार बासमती चावलों का श्रेणीकरण करने की बाँछा करता है।

(च) "बासमती चावल" से भारत में उत्पादित बासमती चावल अभिप्रेत है,

3. निरीक्षण का आधार—बासमती चावल का निरीक्षण इस दृष्टि से किया जाएगा कि वे अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार द्वारा मान्य प्राप्त मानक विनिर्देशों के अनुरूप हैं,

4. निरीक्षण की प्रक्रिया :—(1) निर्यात के लिए आशयित बासमती चावल कृषि विपणन सलाहकार द्वारा इस निमित्त जारी किए गए अनुदेशों के अनुसार प्राधिकृत पैकर द्वारा पैक और श्रेणीकृत किया जाएगा ;

(2) प्राधिकृत पैकर की यह जिम्मेदारी होगी कि वह बासमती चावल के नमूने तथा श्रेणीकरण करने की ऐसी व्यवस्था करे और परीक्षण आदि करने के लिए अपेक्षित सुविधाएँ जो कृषि विपणन सलाहकार द्वारा विहित की जाएँ।

(3) बासमती चावल का निर्यात करने का इच्छुक प्राधिकृत पैकर कृषि विपणन सलाहकार द्वारा विहित ऐसे व्यौरों सहित निकटतम निरीक्षण अधिकारी को लिखित सूचना देगा ताकि वह नियम 3 के अनुसार बासमती चावल के लोटों को श्रेणीकृत तथा चिह्नकृत कर सके।

(4) उपनियम (3) के अधीन प्रत्येक सूचना (क) निरीक्षण अधिकारियों के मुख्यालयों पर स्थित पैकिंग केन्द्रों पर श्रेणीकरण और चिह्नकृत करने से कम से कम 2 दिन पूर्व दी जाएगी।

(ख) अन्य स्थानों पर जो निरीक्षण अधिकारियों के मुख्यालयों पर स्थित नहीं है, श्रेणीकरण और चिह्नकृत से कम से कम 10 दिन पूर्व दी जाएगी।

(5) उपनियम (4) में निर्दिष्ट सूचना प्राप्त होने पर कृषि विपणन सलाहकार द्वारा जारी किए गए अनुदेशों के अनुसार बासमती चावल के परेषणों का निरीक्षण इस दृष्टि से किया जाएगा कि वे नियम 3 में निर्दिष्ट मान्य विनिर्देशों की अपेक्षाओं के अनुरूप हैं।

(6) यदि निरीक्षण अधिकारी का समाधान हो जाता है कि परेषण नियम 3 में निर्दिष्ट विनिर्देशों के अनुसार है तो वह कृषि विपणन सलाहकार द्वारा जारी किए गए अनुदेशों के अनुसार बासमती चावल के पाकों या पैकेजों पर चिपकाने के लिए एमार्क लेबल जारी करेगा;

परन्तु यदि निरीक्षण अधिकारी का ऐसा समाधान नहीं होता है तो वह उक्त एमार्क लेबल जारी करने से इन्कार कर देगा और तथ्य की उसके कारणों सहित सूचना लिखित रूप में तुरन्त प्राधिकृत पैकर को देगा।

(7) बासमती चावल के लेबल लाने तथा श्रेणीकृत किए हुए परेषणों को निर्यात करने का इच्छुक प्राधिकृत पैकर कृषि विपणन सलाहकार द्वारा विहित व्यौरों सहित बासमती चावलों को निर्यात योग्यता का प्रमाण

के रूप में श्रेणीकरण का प्रमाण-पत्र लेने के लिए निरीक्षण अधिकारी के निकटतम कार्यालय में आवेदन देगा ताकि वह नियम 3 के अनुसार ऐसे प्रमाण पत्र जारी कर सके।

(8) उप-नियम (7) के अधीन प्रत्येक आवेदन—

(क) उपनियम (7) में निर्दिष्ट प्रमाण-पत्र निरीक्षण अधिकारी के मुख्यालयों पर पैकिंग केंद्रों पर जारी करने से कम से कम दो दिन पहले दिया जाएगा।

(ख) उपनियम (7) में निर्दिष्ट प्रमाण-पत्र, अन्य स्थानों पर जो निरीक्षण अधिकारी के मुख्यालय पर स्थित नहीं है, जारी करने से कम से कम तीन दिन पहले दिया जाएगा।

(9) उपनियम (7) में निर्दिष्ट आवेदन प्राप्त होने पर निरीक्षण अधिकारी बासमती चावल के श्रेणीकृत परेषणों का निरीक्षण करेगा तथा प्रत्येक श्रेणीकृत लाट के लिए पृथक जांच नमूना लेगा।

(10) यदि उपनियम (7) में निर्दिष्ट परेषणों के जांच नमूने लेने के पश्चात् और जांच नमूनों के परीक्षण के पश्चात् यदि निरीक्षण अधिकारी का समाधान हो जाता है कि समनुविष्ट श्रेणी मान्य विनियमों के अनुसार है तो वह उस परेषण की नियत योग्यता के प्रमाण-स्वरूप श्रेणीकरण का प्रमाण-पत्र जारी करेगा।

परन्तु यदि निरीक्षण अधिकारी का ऐसा समाधान नहीं होता है तो वह तथ्य की उसके कारणों सहित सूचना लिखित रूप में तुरन्त ही प्राधिकृत पैकर को देगा और उक्त श्रेणीकरण का प्रमाणपत्र जारी नहीं करेगा।

5. निरीक्षण का स्थान :—इन नियमों के प्रयोजनों के लिए प्रा-रम्भिक निरीक्षण प्राधिकरण के प्रमाण-पत्र में उल्लिखित प्राधिकृत परिसरों पर किया जाएगा और जांच निरीक्षण या जांच नमूना निर्यात से पूर्व किसी भी स्थान पर लिया जा सकता है।

6. एमार्क लेबलों के खर्च का संवाय :—प्राधिकृत पैकर एमार्क लेबलों के खर्च का जो भारत सरकार द्वारा समय समय पर अधिसूचित किए जाएं संवाय कृषि विपणन सलाहकार द्वारा विहित रीति से करेगा।

7. परीक्षण या जांच नमूनों का पुनः परीक्षण :—(1) यदि पैकर निरीक्षण अधिकारी के परिणामों से संतुष्ट नहीं है तो वह परेषण के पुनः परीक्षण की व्यवस्था करने के लिए संबंधित निरीक्षण अधिकारी से लिखित रूप में अनुरोध करने का हकदार होगा तथा एक और परीक्षण नमूना या जांच नमूना लिया जाएगा और उसका परीक्षण किया जाएगा।

(2) उपनियम (1) के अधीन विशेषण के परिणामों का पहले वाले नमूनों के साथ भीसतन निकाला जाएगा और भीसतन पारेणाम श्रेणीकरण अवधारित करने के लिए लिया जाएगा।

8. अपील :—नियम 4 के उपनियम (10) या उपनियम (7) के अधीन निरीक्षण अधिकारी द्वारा प्रमाण-पत्र जारी करने या परेषण के श्रेणीकरण करने के प्रकार से व्यथित कोई प्राधिकृत पैकर निरीक्षण अधिकारी से आगामी कार्य दिवस के अर्परन्तु 5 बजे तक लिखित रूप में अनुरोध कर सकता है कि वह कृषि विपणन सलाहकार को मामला निविष्ट करे जो उसे, उसके द्वारा अधिकृत प्रक्रिया के अनुसार विवाद पर सलाह देने के लिए सलाहकार पैनल का गठन कर सकता है। कृषि विपणन सलाहकार का निर्णय अन्तिम होगा।

[सं० 6(8)/77 नि०नि० तथा नि० उ०]

S.O. 1026.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Export of Basmati Rice (Inspection) Rules, 1980.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires—

(a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

(b) "Agricultural Marketing Adviser" means Agricultural Marketing Adviser to the Government of India;

(c) "Inspecting Officer" means the officer authorised by the Agricultural Marketing Adviser for inspection of Basmati Rice recognised as the agency under section 7 of the Act;

(d) "Authorised packer" means a person or a body of persons who has been granted a certificate of authorisation by the Agricultural Marketing Adviser to the Government of India, for getting the commodity graded and Agmarked in accordance with the grade standard and procedure prescribed under the rules.

(e) "Certificate of authorisation" means the certificate issued by the Agricultural Marketing Adviser or any other officer authorised in this behalf to a person or a body of persons desirous of grading Basmati Rice as per standard specifications for Basmati Rice recognised under section 6 of the Act;

(f) "Basmati Rice" means Basmati Rice produced in India;

3. Basis of inspection.—Inspection of Basmati Rice shall be carried out with a view to seeing that the same conforms to the standard specifications, recognised by the Central Government under Section 6 of the Act;

4. Procedure of inspection.—(1) Basmati Rice meant for export shall be graded and packed only by the authorised packer in accordance with the instructions issued in this behalf by the Agricultural Marketing Adviser.

(2) It shall be the responsibility of the authorised packer to make such arrangements for grading and sampling of Basmati Rice and also provide requisite facilities for testing etc. as may be prescribed by the Agricultural Marketing Adviser.

(3) An authorised packer intending to export Basmati Rice shall give intimation in writing along with such details as may be prescribed by the Agricultural Marketing Adviser to the nearest Inspecting Officer to enable him to grade and mark Basmati Rice lots in accordance with rule 3.

(4) Every intimation under sub-rule (3) shall be given (a) not less than 2 days before the grading and marking is to be carried out at the packing centres situated at the Headquarters of the Inspecting Officers;

(b) not less than 10 days before the grading and marking is to be carried out at other places, which are not situated at the Headquarters of the Inspecting Officers.

(5) On receipt of the intimation referred to in sub-rule (4) the Inspecting Officer shall inspect the consignments of Basmati Rice as per the instructions issued by the Agricultural Marketing Adviser with a view to seeing that the same complies with the requirements of the recognised specifications referred to in rule 3.

(6) The Inspecting Officer shall issue Agmark labels for affixing the same on the containers or packages of Basmati Rice as per instructions issued by Agricultural Marketing Adviser in case he is satisfied that the consignment(s) is as per specifications referred to in rule 3.

Provided that if the Inspecting Officer is not so satisfied he shall refuse to issue the said Agmark labels and convey the fact immediately in writing to the authorised packer alongwith the reasons thereof.

(7) An authorised packer intending to export the graded and labelled consignments of Basmati Rice shall apply to the nearest office of the Inspecting Officer for a certificate of grading in token of its export-worthiness in writing along with such details as prescribed by the Agricultural Marketing Adviser in accordance with rule 3 to enable him to issue such certificate.

(8) Every application under sub-rule (7) shall be given—

(a) not less than two days before the certificate referred to in sub-rule (7) is to be issued at the packing centres situated at the Headquarters of the Inspecting Officer;

(b) not less than 3 days before the certificate referred to in sub-rule (7) is to be issued at other place, which are not situated at the Headquarters of the Inspecting Officer.

(9) On receipt of the application referred to in sub-rule (7), the Inspecting Officer shall inspect the graded consignments of Basmati Rice and a separate check sample for each graded lot.

(10) If, after check sampling of the consignments referred to in sub-rule (7) and after examination of the check samples, the Inspecting Officer is satisfied that the grade assigned is as per recognised specifications, he shall issue a certificate of grading in respect of that consignment(s) in token of their export-worthiness.

Provided that if the Inspecting Officer is not so satisfied, he shall immediately intimate the fact in writing to the authorised packer along with the reasons and shall not issue the said certificate of grading.

5. Place of inspection.—Initial inspection for the purpose of these rules shall be carried out at the authorised premises mentioned in the certificate of authorisation and check inspection or check sampling can be done at any point before export.

6. Payment of charges for Agmark labels.—The authorised packer shall pay the Agmark label charges which are notified by the Government of India from time to time, in the manner specified by the Agricultural Marketing Adviser.

7. Re-examination of the test or check samples.—(1) If the packer is not satisfied with the results of the Inspecting Officer, he shall be entitled to request the concerned Inspecting Officer in writing to arrange for re-examination of the consignments and one more test sample or a check sample, shall, therefore, be drawn and tested.

(2) The results of analysis under sub-rule (i) shall be averaged with those of the previous sample and average result shall be taken for determining the grade designation.

8. Appeal.—If any authorised packer is aggrieved by the refusal of the Inspecting Officer to grade a consignment or to issue a certificate under sub-rule (7) or sub-rule (10) of rule 4, he may request the Inspecting Officer, in writing, latest by 5 p.m. on the following working day to refer the matter to the Agricultural Marketing Adviser, who may constitute an advisory panel to advise him on the dispute in accordance with the procedure laid down by him. The decision of the Agricultural Marketing Adviser shall be final.

[No. 6(8)/77-EI&EP]

का० प्रा० 1027.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारत सरकार के कृषि विपणन सलाहकार को बासमती चावल के निर्यात से पूर्व निरीक्षण के लिए अधि-करण के रूप में मान्यता देती है।

स्पष्टीकरण :—इस अधिसूचना में “बासमती चावल” से भारत में उत्पादित बासमती चावल अभिप्रेत है।

[सं० 6(8)/77 नि० नि० तथा नि० उ०]

S.O. 1027.—In exercise of the powers conferred by section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises the Agricultural Marketing Adviser to the Government of India as the agency for inspection of Basmati Rice prior to its export.

Explanation.—In this notification the “Basmati Rice” means Basmati Rice produced in India.

[No. 6(8)/77-EI&EP]

का० प्रा० 1028.—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, बासमती चावल (निर्यात) श्रेणीकरण और चिह्नानंकन नियम, 1979 के नियम 5 के अधीन वर्णित श्रेणीकरण चिह्न को मान्यता का प्रस्ताव, बासमती चावल के संबंध में यह द्योतन के प्रयोजन के लिए करती है कि जहाँ कहीं बासमती चावल के पैकेज या पात्र जिन पर विहित लेबल लगे हुए हैं ऐसे पैकेजों या पात्रों में बासमती चावल अधिनियम की धारा 6 के खण्ड (ग) के अधीन उन पर लागू मान्य विनिर्देशों के अनुरूप हैं।

स्पष्टीकरण :—इस अधिसूचना में “बासमती चावल” से भारत में उत्पादित बासमती चावल अभिप्रेत है।

[सं० 6(8)/77-नि० नि० तथा नि० उ०]

सी० बी० कुक्रेती, संयुक्त निदेशक।

S.O. 1028.—In exercise of the powers conferred by section 8 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises the grade designation mark described under rule 5 of the Basmati Rice (Export) Grading and Marking Rules, 1979 with respect to Basmati Rice for the purpose of denoting that whenever packages or containers containing Basmati Rice are affixed with the prescribed labels; the Basmati Rice in such packages or containers conforms to the standard specifications applicable thereto under clause (c) of section 6 of the Act.

Explanation.—In this notification the “Basmati Rice” means the basmati rice produced in India.

[No. 6(8)/77-EI&EP]

C. B. KUKRETI, Jt. Director

(मुख्य नियंत्रक, आयात-निर्यात का कार्यालय)

प्रावेश

नई दिल्ली, 7 अप्रैल, 1980

का० प्रा० 1029.—सर्वश्री मोदी रबड़ लि०, मोदीनगर-201204 को इन्डो-बैकस्लोथाकिया व्यापार योजना के मंडे रुपया भुगतान आधार के अंतर्गत उपमाधकों के साथ प्रत्येक 1450 क्वीए. दर के दो तं० स्कोड़ा जी० जी० सेट के आयात के लिए 27,24,498 रुपये (सत्ताइस लाख चौबीस हजार चार सौ अठानवे रुपये मात्र) का एक आयात लाइसेंस सं० पी०/सीजी/2030099 दिनांक 12-12-79 प्रदान किया गया था। फर्म ने उपर्युक्त लाइसेंसों की सीमा-शुल्क और मुद्रा-विनिमय नियंत्रण प्रणियों की अनुलिपि प्रतियां जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमा-शुल्क और मुद्रा विनिमय नियंत्रण प्रयोजन प्रतियां खो गईं अथवा अस्थायी रूप से गंभीर हैं। आगे यह बताया गया है कि लाइसेंस किसी भी सीमा-शुल्क प्राधिकारी के पास पंजीकृत नहीं था और इसलिए सीमा-शुल्क प्रयोजन प्रति के मूल्य का बिल्कुल भी उपयोग नहीं हुआ है।

2. अपने तर्कों के समर्थन में, लाइसेंसधारी ने मेरठ (उत्तर प्रदेश) के नोटरी पब्लिक के सम्मुख स्टाम्प कागज पर विधिवत् शपथ लेकर एक शपथपत्र दाखिल किया है। तदनुसार मैं संतुष्ट हूँ कि फर्म द्वारा आयात लाइसेंस सं० पी०/सीजी/2030099 दिनांक 12-12-79 की मूल

सीमा-शुल्क और मुद्रा विनिमय नियंत्रण प्रयोजन प्रतियां जो गई अथवा अस्थितस्थ हो गई हैं। यथासंशोधित, आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उप-धारा 9(सी सी) के अंतर्गत प्रवर्तन अधिकारों का प्रयोग करते हुए सर्वश्री मोदी रबड़ लि., मोदी नगर को जारी की गई उक्त मूल सीमा-शुल्क और मुद्रा विनिमय नियंत्रण प्रयोजन प्रतियां सं० पी/सी जी/2030099 दिनांक 12-12-79 एतद्वारा रद्द की जानी हैं।

3. उक्त लाइसेंस की अनुलिपि सीमा-शुल्क और मुद्रा विनिमय नियंत्रण प्रयोजन प्रतियां पार्टी को अलग से जारी की जा रही हैं।

[सं० 1251/79/5/30(3)/सी जी-1/1086]

जी० एम० ग्रेवाल, उप-मुख्य निर्यातक, आयात-निर्यात

(Office of the Chief Controller of Imports and Exports)
ORDER

New Delhi, the 7th April, 1980

S.O. 1029.—M/s. Modi Rubber Ltd., Modinagar-201204 were granted an import licence No. P/CG/2030099 dated 12-12-79 for Rs. 27,24,498 (Rupees Twentyseven lakh twentyfour thousand four hundred and ninetyeight only) for import of Two Nos. Skoda D. G. Sets of 1450 KVA rating each with accessories under Rupee Payment Basis against Indo-Czechoslovakia Trade Plan. The firm has applied for issue of duplicate copies of Customs and Exchange control purposes copies of the abovementioned licence on the ground that the original Customs and Exchange Control purposes copies of the licence have been lost or misplaced. It has further been stated that the Customs and Exchange Control purposes copies of the licence were not registered with any Customs authority and as such the value of Customs purposes copy has not been utilised at all.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Meerut (U.P.). I am accordingly satisfied that the original Customs and Exchange Control purposes copies of import licence No. P/CG/2030099 dated 12-12-79 have been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (control) Order, 1955 dated 7-12-1955 as amended the said original Customs and exchange control purposes copies No. P/CG/2030099 dated 12-12-79 issued to M/s. Modi Rubber Ltd., Modinagar are hereby cancelled.

3. Duplicate Customs and Exchange Control purposes copies of the said licence are being issued to the party separately.

[No. 1251/79/5/30(3)/CG-I/1086]
G. S. GREWAL, Dy. Chief Controller
of Exports & Imports

स्वास्थ्य और परिवार कल्याण मंत्रालय
(स्वास्थ्य विभाग)

नई दिल्ली, 1 अप्रैल, 1980

क्रा० प्रा० 1030.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 20 की उपधारा (1), (2) तथा (3) के अनुसरण में केन्द्रीय सरकार एतद्वारा 10 अप्रैल, 1980 से भारतीय आयुर्विज्ञान परिषद् के सदस्यों में से स्नातकोत्तर चिकित्सा शिक्षा समिति गठित करती है जिसमें निम्नलिखित सदस्य होंगे, अर्थात् :—
केन्द्रीय सरकार द्वारा नामित :

- डा० बी० एन० सिन्हा,
अध्यक्ष, भारतीय आयुर्विज्ञान परिषद्
9, ए० पी० सेन रोड, लखनऊ।
- डा० वाई० पी० रुद्रप्पा,
निदेशक, चिकित्सा शिक्षा,
121, आर० एच० बी० एम्बेडगेमन्ट,
बंगलौर।

3. डा० पी० नरसिम्हा राव,
कान, नाक तथा गला के अवकाश प्राप्त प्रोफेसर,
4/3, लक्ष्मीपुरम, गुंटुर।

4. डा० बी० शंकरन,
स्वास्थ्य सेवा महानिदेशक,
नई दिल्ली।

5. डा० बी० मुखोपाध्याय,
उपाध्यक्ष, भारतीय आयुर्विज्ञान परिषद्,
सहदपुर रोड, पटना।

6. डा० बी० के० आनन्द,
अध्यक्ष, राष्ट्रीय आयुर्विज्ञान अकादमी,
नई दिल्ली।

भारतीय आयुर्विज्ञान परिषद् द्वारा निर्वाचित

- डा० आर० के० मेन्डा, एफ० आर० सी० एस०,
अमरकन्ठ मेशन, मेहेम कैम रोड, बम्बई।
- डा० पी० सुकुमारन, एम० एस०, डी० एल० ओ०,
कान, नाक तथा गला के प्रोफेसर,
मेडिकल कालेज, त्रिवेन्द्रम।
- डा० ओ० पी० गुप्ता,
निदेशक, चिकित्सा शिक्षा,
गुजरात, अहमदाबाद।

[सं० बी० 11019/1/80-एम० ई० (नीति)]

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 1st April, 1980

S.O. 1030.—In pursuance of the sub-sections (1), (2) and (3) of section 20 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby constitutes with effect from the 10th April, 1980 from among the members of the Medical Council of India, the Post-graduate Medical Education Committee consisting of the following members, namely :—

Nominated by the Central Government.

- Dr. B. N. Sinha,
President, Medical Council of India,
9 A. P. Sen Road, Lucknow.
- Dr. Y. P. Rudrappa,
Director of Medical Education,
121, R.H.V. Extension, Bangalore.
- Dr. P. Narasimha Rao,
Emeritus Professor of E.N.T.,
4/3 Lakshmi Puram, Guntur.
- Dr. B. Sankaran,
Director General of Health Services,
New Delhi.
- Dr. B. Mukhopadhyay,
Vice-President, Medical Council of India,
Saidapur Road, Patna.
- Dr. B. K. Anand,
President, National Academy of Medical Sciences,
New Delhi.

Elected by the Medical Council of India.

- Dr. R. K. Menda, FRCS,
Amarchand Mansion, Madame Cama Road,
Bombay.

2. Dr. P. Sukumaram, MS, DLO,
Prof. of F.N.T.,
Medical College, Trivandrum.
3. Dr. O. P. Gupta,
Director of Medical Education,
Gujarat, Ahmedabad

[No. V. 11019/1/80-M.E. (Policy)]

नई दिल्ली, 7 अप्रैल 1980

का० आ० 1031.—यह: भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (1) के खण्ड (क) के अनुसरण में मेघालय सरकार से सलाह लेकर केन्द्रीय सरकार डा० हरसमस लिंगदोह, को 31 जनवरी, 1980 में भारतीय आयुर्विज्ञान परिषद का सदस्य मनोनीत किया है ;

अब अतः उक्त अधिनियम की धारा 3 की अपधारा (1) के उपबन्धों के अनुसरण में केन्द्रीय सरकार एन० द्वारा अनुपूर्व स्वास्थ्य मंत्रालय की 9 जनवरी, 1960 की अधिसूचना संख्या एम० ओ० 138 में निम्नलिखित और संशोधन करना है, अर्थात्:—

उक्त अधिसूचना में “धारा 3 की उप-धारा (1) के खण्ड (क) के अर्थात् मनोनीत “परिषद के अन्तर्गत कम संख्या 18 और उममे संबंधित प्रविष्टि के स्थान पर निम्नलिखित कम संख्या और प्रविष्टि प्रतिस्थापित की जाएं अर्थात्:—

- “18. डा० हरसमस लिंगदोह,
सलाहकार स्वास्थ्य और पदेन निदेशक,
स्वास्थ्य सेवा, मेघालय।

[संख्या वी-11013/7/80-एम० ई० (नीति)]

मदन मोहन, अवर सचिव

New Delhi, the 7th April, 1980

S.O. 1031.—Whereas the Central Government in pursuance of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Meghalaya, have nominated Dr. Erasmus Lyngdoh to be a member of the Medical Council of India with effect from 31st January, 1980;

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the late Ministry of Health S.O. 138 dated the 9th January, 1960, namely:—

In the said notification, under the heading under clause (a) of sub-section (1) of section 3, for number 18 and the entry relating thereto, the following number and entry shall be substituted, namely:—

- “18. Dr. Erasmus Lyngdoh, Adviser Health and Ex-officio Director of Health Services, Meghalaya.”

[No. V. 11013/7/80-M.E. (Policy)]

MADAN MOHAN, Under Secy.

इस्थान, खान और कोयला मंत्रालय

(इस्थान विभाग)

नई दिल्ली, 1 अप्रैल, 1980

का०आ० 1032.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में स्टील अथॉरिटी आफ इंडिया लि० के अर्थात् केन्द्रीय विपणन संगठन के निम्नलिखित बिक्री शाखा कार्यालयों को, जिनके कर्मचारी वृत्त ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

1. स्टील अथॉरिटी आफ इंडिया लि०, केन्द्रीय विपणन संगठन, शाखा बिक्री कार्यालय, कानपुर (उत्तर प्रदेश)।

20 GI/80-7

2. स्टील अथॉरिटी आफ इंडिया लि०, केन्द्रीय विपणन संगठन, शाखा बिक्री कार्यालय, फरीदाबाद, (हरियाणा)।
3. स्टील अथॉरिटी आफ इंडिया लि०, केन्द्रीय विपणन संगठन, शाखा बिक्री कार्यालय, आगरा (उत्तर प्रदेश)।
4. स्टील अथॉरिटी आफ इंडिया लि०, केन्द्रीय विपणन संगठन, शाखा बिक्री कार्यालय, इन्दौर (मध्य प्रदेश)।
5. स्टील अथॉरिटी आफ इंडिया लि०, केन्द्रीय विपणन संगठन, शाखा बिक्री कार्यालय, गजियाबाद (उत्तर प्रदेश)।
6. स्टील अथॉरिटी आफ इंडिया लि०, केन्द्रीय विपणन संगठन, शाखा बिक्री कार्यालय, ग्वालियर (मध्य प्रदेश)।
7. स्टील अथॉरिटी आफ इंडिया लि०, केन्द्रीय विपणन संगठन शाखा बिक्री कार्यालय, इलाहाबाद (उत्तर प्रदेश)।
8. स्टील अथॉरिटी आफ इंडिया लि०, केन्द्रीय विपणन संगठन, शाखा बिक्री कार्यालय, गिलाई, (मध्य प्रदेश)।
9. स्टील अथॉरिटी आफ इंडिया लि०, केन्द्रीय विपणन संगठन, शाखा बिक्री कार्यालय, बम्बई (महाराष्ट्र)।
10. स्टील अथॉरिटी आफ इंडिया लि०, केन्द्रीय विपणन संगठन, शाखा बिक्री कार्यालय, बड़ौदा (गुजरात)।
11. स्टील अथॉरिटी आफ इंडिया लि०, केन्द्रीय विपणन संगठन शाखा बिक्री कार्यालय, अहमदाबाद (गुजरात)।
12. स्टील अथॉरिटी आफ इंडिया लि०, केन्द्रीय विपणन संगठन, शाखा बिक्री कार्यालय, कोयम्बतूर (तमिलनाडु)।
13. स्टील अथॉरिटी आफ इंडिया लि०, केन्द्रीय विपणन संगठन, शाखा बिक्री कार्यालय, श्रीनगर (जम्मू-कश्मीर)।
14. स्टील अथॉरिटी आफ इंडिया लि०, केन्द्रीय विपणन संगठन, शाखा बिक्री कार्यालय, जालन्धर (पंजाब)।

[संख्या ई०-11011/2/80-हिन्दी]

एम० एम० हुसैन, अवर सचिव

MINISTRY OF STEEL, MINES & COAL

(Department of Steel)

New Delhi, the 1st April, 1980

S.O. 1032.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use for official purposes of the Union) Rules, 1976 the Central Government hereby notifies the following Branch Sales Offices of Central Marketing Organisation under the Steel Authority of India Ltd., the staff whereof have acquired the working knowledge of Hindi:—

1. Steel Authority of India Ltd., Central Marketing Organisation, Branch Sales Office, Kanpur (U.P.).
2. Steel Authority of India Ltd., Central Marketing Organisation, Branch Sales Office, Faridabad (Haryana).
3. Steel Authority of India Ltd., Central Marketing Organisation, Branch Sales Office, Agra (U.P.).
4. Steel Authority of India Ltd., Central Marketing Organisation, Branch Sales Office, Indore (M.P.).
5. Steel Authority of India Ltd., Central Marketing Organisation, Branch Sales Office, Gaziabad (U.P.).
6. Steel Authority of India Ltd., Central Marketing Organisation, Branch Sales Office, Gwalior (M.P.).
7. Steel Authority of India Ltd., Central Marketing Organisation, Branch Sales Office, Allahabad (U.P.).

8. Steel Authority of India Ltd., Central Marketing Organisation, Branch Sales Office, Bhilai (M.P.).
9. Steel Authority of India Ltd., Central Marketing Organisation, Branch Sales Office, Bombay (Maharashtra).
10. Steel Authority of India Ltd., Central Marketing Organisation, Branch Sales Office, Baroda (Gujrat).
11. Steel Authority of India Ltd., Central Marketing Organisation, Branch Sales Office, Ahmedabad (Gujrat).

12. Steel Authority of India Ltd., Central Marketing Organisation, Branch Sales Office, Coimbatore (Tamil Nadu).
13. Steel Authority of India Ltd., Central Marketing Organisation, Branch Sales Office, Srinagar (J&K).
14. Steel Authority of India Ltd., Central Marketing Organisation, Branch Sales Office, Jullundur (Punjab).

[No. E-11011/2/80-Hindi]

M. M. HUSSAIN, Under Secy.

(कोयला विभाग)

नई दिल्ली, 3 अप्रैल, 1980

क्र० आ० 1033.—केन्द्रीय सरकार ने, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन भारत सरकार के भूतत्त्व ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं० 1924 तारीख 15 जून, 1978 द्वारा, हमने उपर्युक्त अनुसूची में विनिर्दिष्ट स्थान में 6945.00 एकड़ (लगभग) या 2810.10 हेक्टर (लगभग) माप की भूमि में कोयले का पूर्वोक्त करने के अपने आशय की सूचना की थी ;

उक्त भूमि की बाबत उक्त अधिनियम की धारा 7 की उपधारा (1) के अधीन कोई सूचना नहीं दी गई है ।

अतः केन्द्रीय सरकार धारा 7 की उक्त उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, 15 जून, 1980 से आरंभ होने वाली एक वर्ष की अवधि को ऐसी अवधि के रूप में विनिर्दिष्ट करती है जिसके अधीन केन्द्रीय सरकार उक्त भूमि या ऐसी भूमि पर या उससे संबंधित किन्हीं अधिकारों को अर्जित करने के अपने आशय की सूचना दे सकेगी ।

अनुसूची

(दक्षिणी धातु न्याक)

उत्तरी कर्णपुरा, कोयला क्षेत्र

ड्राइंग सं० राजस्व/5/78 ता० 6-2-78
(पूर्वोक्त के लिए अधिसूचित क्षेत्र)

क्र० सं०	ग्राम	धाता	धाता सं०	अंचल	जिला क्षेत्रफल	टिप्पणियाँ
1.	चित्रपुर	बालूमठ	210	बालूमठ	पलामू	भाग
2.	धातू	"	212	"	"	"
3.	चकला	"	238	चन्दावा	"	"
4.	महुआमिलन	"	279	"	"	"
5.	जमीरा	"	281	"	"	"
6.	भरखे	"	282	"	"	"
7.	देवनदिया	"	288	"	"	"
कुल क्षेत्रफल :					6945 एकड़ (लगभग) या 2810.10 हेक्टर (लगभग)	

सीमा-वर्णन :

- क-ख-ग-घ-ङ रेखाएं बालूमठ अंचल के चित्रपुर ग्राम और चन्दावा अंचल के चकला, महुआमिलन और भरखे ग्रामों में से हो कर जाती हैं ।
- ङ-च-छ-ज-झ रेखाएं चन्दावा अंचल के देवनदिया और मल्हन ग्रामों की आंशिक सामान्य सीमा के साथ-साथ जाती हैं ।
- झ-ञ रेखा, चन्दावा अंचल के देवनदिया और मल्हन ग्रामों की आंशिक सामान्य सीमा के साथ-साथ जाती है ।
- ञ-ट-ठ-ड-ढ-ण रेखाएं, चन्दावा अंचल के देवनदिया, महुआमिलन, चकला और बालूमठ अंचल के धातू और चित्रपुर ग्रामों से होकर जाती हैं ।
- ण-क रेखा चन्दावा अंचल के चित्रपुर ग्राम से होकर जाती है और आरम्भिक बिन्दु "क" पर मिलती है ।

[सं० 19(3)/80-सी० एल०]
(श्रीमती) के० सुद, उप सचिव

(Department of Coal)

New Delhi, the 3rd April, 1980

S.O. 1133.—Whereas by the notification of Government of India in the late Ministry of Energy (Department of Coal) No. S.O. 1924 dated the 15th June, 1978, under Sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intension to prospect for coal in land measuring 6945.00 acres (approximately) or 2810.10 hectares (approximately) in the locality specified in the Schedule appended hereto

And whereas in respect of the said land, no notice under sub-section (1) of section 7 of the said Act has been given.

Now, therefore, in exercise of the powers conferred by the said sub-section (1) of the section 7, the Central Government hereby specifies a further period of one year commencing from the 15th June, 1980 as the period within which the Central Government may give notice of its intension to acquire the said land or any rights in or over such land.

SCHEDULE

SOUTH DHADHU BLOCK NORTH KARANPURA COALFIELD

DRG No. Rev/5/78 Dated 6-2-78

(Area notified for prospecting)

Sl.	Village	Thana	Thana No.	Anchal	District Area	Remarks
1	2	3	4	5	6	7
1.	Chitarpur	Balumath	210	Balumath	Palamau	Part
2.	Dhadhu	"	212	"	"	"
3.	Chakla	"	238	Chandwa	"	"
4.	Mahuamilan	"	279	"	"	"
5.	Zamira	"	281	"	"	"
6.	Ardhe	"	282	"	"	"
7.	Deonadia	"	298	"	"	"
Total area :			6945.00 acres (approximately) or 2810.10 hectares (approximately)			

Boundary Description :

A-B-C-D-E.—Lines pass through villages Chitarpur of Balumath Anchal and through villages Chakla, Mahuamilan and Ardhe of Chandwa Anchal.

E-F-G-H-I.—Lines pass through village Ardhe, Zamira, Mahuamilan and Deonadia of Chandwa Anchal.

I-J.—Line passes along the part common boundry of villages Deonadia and Malhan of Chandwa Anchal.

J-K-L-M-N-O.—Lines pass through villages Deonadia, Mahuamilan, Chakla of Chandwa Anchal and through villages Dhadhu and Chitarpur of Balumath Anchal.

O-A.—Line passes through village Chitarpur of Chandwa Anchal and meets at starting point 'A'.

[No. 19(3)/80-CL]

(Smt.) K. SOOD, Dy. Secy.

कृषि और सिंचाई मंत्रालय

(खाद्य विभाग)

घाबरा

नई दिल्ली, 25 मार्च, 1980

क्र० प्र० 1034.—श्रतः केन्द्रीय सरकार ने खाद्य विभाग, क्षेत्रीय खाद्य निदेशालयों, उपाप्ति निदेशालयों और खाद्य विभाग के सेवन तथा लेखा कार्यालयों द्वारा किए जाने वाले खाद्यान्तों के श्रय, षण्डारकरण, संचलन, परिवहन, वितरण तथा विक्रय के कृत्यों का पालन करना संघ कर दिया है जोकि खाद्य निगम अधिनियम, 1964 (196 का 37) की धारा 13 के अधीन भारतीय खाद्य निगम के कृत्य हैं।

और श्रतः खाद्य विभाग, क्षेत्रीय खाद्य निदेशालयों, उपाप्ति निदेशालयों और खाद्य विभाग के सेवन तथा लेखा कार्यालयों में कार्य कर रहे और उपरिर्क्षित कृत्यों के पालन में लगे निम्नलिखित अधिकारियों और कर्मचारियों ने केन्द्रीय सरकार के तारीख 16 अप्रैल, 1971 के परिपत्र के प्रत्युत्तर में उसमें त्रिनिदिष्ट तारीख के अन्तर भारतीय खाद्य निगम के कर्मचारी न बनने के अपने आशय को उक्त अधिनियम की धारा 12 ए की उपधारा (1) के परन्तुक द्वारा यथा अपेक्षित सूचना नहीं दी है।

अतः अब खाद्य निगम अधिनियम, 1964 (1964 का 37) यथा अद्यतन संशोधित की धारा 12ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार सन्तद द्वारा निम्नलिखित कर्मचारियों को प्रत्येक के नाम के सामने दी गई तारीख से भारतीय खाद्य निगम में स्थानान्तरित करती है :—

क्रम सं० अधिकारी/कर्मचारियों का नाम		केन्द्रीय सरकार के स्थानान्तरण के समय भारतीय खाद्य निगम में स्थानान्तरित करने के निगम को स्थानान्तरण की तारीख	
1	2	3	4
1.	श्री आर० आर० बघवानी	गोदाम लिपिक	गोदाम लिपिक 1-3-1969
2.	श्री मुलतान सिंह	—	गोदाम लिपिक 1-3-1969
3.	श्री अनिल रुची पांडे	ड्राईवर मैकेनिक	ड्राईवर मैकेनिक 1-3-1969
4.	श्री राम प्रकाश	वाचमैन	वाचमैन 1-3-1969
5.	श्री गजेन्द्र नाथ त्रिपाठी	गोदाम लिपिक	कनिष्ठ गोदाम रक्षक 1-3-1969
6.	श्री एम० आर० सुधी	गुण निरीक्षक	गुण निरीक्षक 1-3-1969
7.	श्री एन० आर० बत्रा	गोदाम लिपिक	कनिष्ठ गोदाम रक्षक 1-3-1969
8.	श्री जुलियस एस० लाल	वाचमैन	वाचमैन 1-3-1969
9.	श्री प्रसीम चन्द	वाचमैन	वाचमैन 1-3-1969
10.	श्री अमर सिंह	स्टोचर	पीकर 1-3-1969
11.	श्री कृष्ण लाल	—	गोदाम लिपिक 1-3-1969
12.	श्री जगतार सिंह	—	वाचमैन 1-3-1969
13.	श्री ए० मुन्नागनी	वाचमैन	वाचमैन 1-3-1969
14.	श्री बी० कृष्णाराज	वाचमैन	वाचमैन 1-3-1969
15.	श्री ए० बी० कुमारन	वाचमैन	वाचमैन 1-3-1969
16.	श्री आर० देवीसिंह	वाचमैन	वाचमैन 1-3-1969
17.	श्री जकोब जोन	गुण निरीक्षक	गुण निरीक्षक 1-3-1969

[संख्या 52/1/79-एफ० सी० 3 (वाल्सुम-5)]

MINISTRY OF AGRICULTURE & IRRIGATION

(Department of Food)

ORDERS

New Delhi, the 25th March, 1980

S.O. 1034—Whereas the Central Government has ceased to perform the functions of purchase, storage, movement, transport, distribution and sale of foodgrains done by the Department of Food, the Regional Directorates of Food; the procurement Directors and the Pay & Accounts offices of the Department of Food which under Section 13 of Food Corporations Act, 1964 (37 of 1964) are the functions of the Food Corporation of India;

And whereas the following officers and employees serving in the Department of Food, the Regional Directorate of Food, the procurement Directorates and the Pay & accounts offices of the Department of Food and engaged in the performance of the functions mentioned above have not in response to the circular of the Central Government dated the 16th April, 1971 intimated, within the date specified therein, their intention of not becoming employees of the Food Corporation of India as required by the proviso to sub-Section (1) of Section 12 A of the said Act;

Now, therefore, in exercise of the powers conferred by Section 12 A of the Food Corporations Act, 1964 (37 of 1964) as amended upto date the Central Government hereby transfer the following officers and employees to the Food Corporation of India with effect from the date mentioned against each of them.

Sl. No.	Name of the officer/employees	Permanent post held under the Central Govt.	Post held under the Central Government at the time of transfer	Date of transfer to FCI
1	2	3	4	5
1.	Shri R.R. Wadhvani	Godown Clerk	Godown Clerk	1-3-1969
2.	Shri Sultan Singh	..	Godown Clerk	1-3-1969
3.	Shri Anil Ruchi Pandey	Driver Mechanic	Driver Mechanic	1-3-1969
4.	Shri Ram Parkash	Watchman	Watchman	1-3-1969
5.	Shri Gajendra Nath Tripathi	Godown Clerk	Junior Godown Keeper	1-3-1969
6.	Shri S.R. Murthi	Quality Inspector	Quality Inspector	1-3-1969
7.	Shri N.R. Batra	Godown Clerk	Junior Godown Keeper	1-3-1969

1	2	3	4	5
8. Shri Jullian S. Lal		Watchman	Watchman	1-3-1969
9. Shri Pritam Chand		Watchman	Watchman	1-3-1969
10. Shri Amar Singh		Stitcher	Picker	1-3-1969
11. Shri Krishnan Lal			Godown Clerk	1-3-1969
12. Shri Jagtar Singh			Watchman	1-3-1969
13. Shri A. Subramani		Watchman	Watchman	1-3-1969
14. Shri V. Krishnaraj		Watchman	Watchman	1-3-1969
15. Shri A.V. Kumaran		Watchman	Watchman	1-3-1969
16. Shri R. Devisingh		Watchman	Watchman	1-3-1969
17. Shri Jacob John		Quality Inspector	Quality Inspector	1-3-1969

[No. 52/1/79-FC.III(Vol. V)]

मई विल्ली, 26 मार्च, 1980

शुद्धि पत्र

का० आ० 1035.—1. इस विभाग के आदेश संख्या 52/1/79-एफ० सी० 3 (वाल्सूम-3) दिनांक 6-9-1979 में निम्नलिखित शुद्धियाँ की जाएं :—

स्थानान्तरण आदेश में क्रम संख्या

की जाने वाली शुद्धियाँ

57 कालम 2 में शब्द "श्री हजारी लाल" के स्थान पर "श्री हजारी राम" पढ़ें।

2. इस विभाग के आदेश संख्या 52/1/79-एफ० सी० 3 (वाल्सूम-3) दिनांक 10-7-79 में निम्नलिखित शुद्धियाँ की जाएं :—

स्थानान्तरण आदेश में क्रम संख्या

की जाने वाली शुद्धियाँ

4 कालम 4 में शब्द "कनिष्ठ गोदाम रक्षक" के स्थान पर "गोदाम लिपिक" पढ़ें।

3. इस विभाग के आदेश संख्या 52/1/79-एफ० सी० 3 (वाल्सूम-3) दिनांक 10-7-79 में निम्नलिखित शुद्धियाँ की जाएं :—

स्थानान्तरण आदेश में क्रम संख्या

की जाने वाली शुद्धियाँ

- 7
- (1) कालम 3 में शब्द "वरिष्ठ लिपिक" के स्थान पर "तैलने वाला" पढ़ें।
 - (2) कालम 4 में शब्द "सहायक अधीक्षक" के स्थान पर "गोदाम लिपिक" पढ़ें।

4. इस विभाग के आदेश संख्या 52/1/79-एफ० सी० 3 (वाल्सूम-3) दिनांक 6-9-1979 में निम्नलिखित शुद्धियाँ की जाएं :—

स्थानान्तरण आदेश में क्रम संख्या

की जाने वाली शुद्धियाँ

- 60
- (1) कालम 3 में शब्द "वरिष्ठ लिपिक" के स्थान पर "कनिष्ठ लिपिक" पढ़ें।
 - (2) कालम 4 में शब्द "वरिष्ठ लिपिक" के स्थान पर "सहायक अधीक्षक" पढ़ें।

[सं० 52/1/79-एफ० सी० 3 (वाल्सूम-5)]

बकशी राम, उप सचिव

New Delhi, the 26th March, 1980

CORRIGENDUM

S.O. 1035—I. In this Department's order No. 52/1/79-FC. III (Vol. III) dated 6-9-1979 the following correction shall be carried out :—

Sl. No. in the Transfer Order	Correction to be carried out
57	For the words "Shri Hazari Lal" in column 2, read "Shri Hazari Ram".

II. In this Department's order No. 52/1/79 FC. III (Vol. III) dated 10-7-79, the following correction shall be carried out :

Sl. No. in the Transfer Order	Correction to be carried out
4	For the words "Junior Godown Keeper" in column 4, read "Godown Clerk".

III. In this Department's Order No. 52/1/79-FC. III (Vol. III) dated 10-7-79 the following corrections shall be carried out:

Sl. No. in the Transfer order	Correction to be carried out
	(i) For the words "Senior Clerk" in column 3, read "Weighman"
	(ii) For the words "Assistant Superintendent" in column 4, read "Godown Clerk."
	IV. In this Department's Order No. 52/1/79-FC III (Vol. III) dated 6-9-1979, the following correction shall be carried out :
Sl. No. in the Transfer order	Corrections to be carried out
60	(i) For the words "Sr. Clerk" in column 3, read "Junior Clerk"
	(ii) For the words "Sr. Clerk" in column 4, read "Assistant Superintendent".

[No. 52/1/79-FC.III (Vol.V)]

BAKSHI RAM, Dy. Secy.

(कृषि और सहकारिता विभाग)

आदेश

नई दिल्ली, 27 मार्च, 1980

का० आ० 1036.—केन्द्रीय सिविल सेवा, वर्गीकरण, नियंत्रण और अपील नियम, 1965 के नियम 9 के उप-नियम (2), नियम 12 के उप-नियम (2) के खण्ड (ख) और नियम 24 के उप-नियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस विषय पर इससे पहले के सभी आदेशों को, जहाँ तक कि उनका संबंध दिल्ली दूध योजना से है अधिमान्त करने हुए, राष्ट्रपति निदेश देते हैं कि :—

(1) साधारण केन्द्रीय सेवा समूह-ख पदों के संबंध में, जो इस आदेश की अनुसूची के भाग 1 के स्तंभ 1 में विनिर्दिष्ट हैं, उक्त अनुसूची के स्तंभ-2 तथा 3 में विनिर्दिष्ट प्राधिकारी और प्रशासन प्राधिकारी होंगे, और

(2) साधारण केन्द्रीय सेवा समूह ग और साधारण केन्द्रीय सेवा समूह-घ पदों के संबंध में, जो इस आदेश की अनुसूची के भाग 2 और 3 के स्तंभ-1 में विनिर्दिष्ट हैं, उक्त अनुसूची के स्तंभ 2, 3 और 5 में विनिर्दिष्ट प्राधिकारी, उसके स्तंभ-4 में विनिर्दिष्ट शास्त्रियों के लिए क्रमशः नियुक्ति प्राधिकारी, प्रशासनिक प्राधिकारी और अपील प्राधिकारी होंगे ।

अनुसूची

भाग 1—साधारण केन्द्रीय सेवा वर्ग-ख

पद का विवरण	नियुक्ति प्राधिकारी	शास्त्रि अधिरोपित करने के लिए सक्षम प्राधिकारी और वे शास्त्रियाँ जो वह अधिरोपित कर सकता है (नियम 11 में सब संख्याओं के निर्देश में)		
		प्राधिकारी	शास्त्रि	
1	2	3	4	5
सभी पद	महाप्रबंधक	महाप्रबंधक	सभी	—

भाग-2—साधारण केन्द्रीय सेवा, समूह-ग

1	2	3	4	5
सभी पद	उप-महाप्रबंधक (प्रशासन)	वित्तीय सलाहकार और मुख्य लेखा अधिकारी	सभी	महाप्रबंधक

भाग-3—साधारण केन्द्रीय सेवा समूह-घ

1	2	3	4	5
सभी पद	उपमहाप्रबंधक (प्रशासन)	वित्तीय सलाहकार और मुख्य लेखा अधिकारी	सभी	महाप्रबंधक

2. यह आदेश 5 जून, 1978 का प्रवृत्त हुआ समझा जाएगा ।

[सं० 13-30/78-एल० डी०-1]

के० उपपुलियप्पन, उप सचिव

(Department of Agriculture & Co-operation)

ORDER

New Delhi, the 27th March, 1980

S.O. 1036.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 and in supersession of all earlier orders on the subject in so far as they relate to the Delhi Milk Scheme, the President hereby directs that,—

(1) in respect of posts in the General Central Services, Group B, specified in column 1 of Part I of the Schedule to this Order, the authorities specified in columns 2 and 3 of the said Schedule shall respectively be the appointing authority and disciplinary authority in regard to the penalties specified in column 4 thereof ; and

- (2) in respect of posts in the General Central Services, Group 'C' and the General Central Services, Group 'D' specified in column 1 of Parts II and III of the Schedule to this Order, the authorities specified in columns 2, 3, and 5 of the said Schedule shall respectively be the appointing authority, disciplinary authority and an appellate authority in regard to penalties specified in Column 4 thereof.

SCHEDULE

PART I—GENERAL CENTRAL SERVICES, GROUP B

Description of post	Appointing authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)		Appellate authority
		Authority	Penalties	
(1) All posts	(2) General Manager	(3) General Manager	(4) All	(5) ..

PART II—General Central Services, Group C.

(1)	(2)	(3)	(4)	(5)
All posts	Deputy General Manager (Administration)	Financial Adviser and Chief Accounts Officer	All	General Manager

PART III—General Central Services, Group D.

(1)	(2)	(3)	(4)	(5)
All posts	Deputy General Manager (Administration)	Financial Adviser and Chief Accounts Officer	All	General Manager

2. This Order shall be deemed to have come into force on the 5th June, 1978.

EXPLANATORY MEMORANDUM

As per this Ministry's sanction No. 3-13/78LD-I, dated the 4th May, 1978, post of Chairman, Delhi Milk Scheme was re-designated and downgraded to the post of General Manager. While issuing this sanction it was decided that the General Manager will enjoy all the powers vested in the Chairman, Delhi Milk Scheme. General Munaga took over with effect from 5-6-1978. While prior to this date Chairman was Head of the Department, with effect from 5-6-1978 General Manager became the Head of the Department. The interests of no one would be prejudicially affected by the retrospective effect being given to this order.

3. Hindi Version will follow.

[No. 13-30/78-LD-I]

K. UPPILIAPPAN, Dy. Secy.

नौवहन और परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली 8 अप्रैल, 1980

क्रा.सं. 1037.—श्री एफ.सी.एम. मकाडो ने जिन्हें भारत सरकार के नौवहन और परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना संख्या सां.सं. 2762 दिनांक 16-8-1977 द्वारा मर्मुगांव डॉक लेबर बोर्ड के सदस्य नियुक्त किया गया था, गोदी कर्मकार (नियोजन का विनियमन) नियम, 1962 के नियम 4 के उपनियम (3) के अंतर्गत अपने पद से त्यागपत्र दे दिया है।

श्रीर धन: उक्त सदस्य द्वारा त्यागपत्र दिये जाने से उक्त डॉक लेबर बोर्ड में एक स्थान रिक्त हो गया है,

अतः उक्त नियमों के नियम 4 के उपबन्धों के अनुसरण में केन्द्रीय सरकार, उक्त रिक्त को एतद्वारा अधिसूचित करती है।

[फा. सं. एन. डी.जी. 14/76]

श्री. शंकरलिंगम, अवर सचिव

MINISTRY OF SHIPPING & TRANSPORT

(Transport Wing)

New Delhi, the 8th April, 1980

S.O. 1037.—Whereas Shri F.C.R. Machado, who was appointed as a member of the Mormugao Dock Labour Board by the Notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. S.O. 2762, dated the 16th August, 1977, has resigned his office under sub-rule (3) of rule 4 of the Dock Workers (Regulation of Employment) Rules, 1962;

And whereas a vacancy has occurred in the said Dock Labour Board by the resignation of the said member;

Now, therefore, in pursuance of the provisions of rule 4 of the said rules the Central Government hereby notifies the said vacancy.

[F. No. LDG/14/76]

V. SANKARALINGAM, Under Secy.

निर्माण और आवास मंत्रालय

नई दिल्ली, 21 फरवरी, 1980

का० आ० 1038 :—लोक परिवार (अनधिकृत दखलदारी की बेवखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निम्नलिखित सारणी के स्तम्भ (1) में उल्लिखित अधिकारी को, जो सरकार के राज-पत्रित अधिकारी के रैंक के समकक्ष अधिकारी है, सम्पदा अधिकारी के रूप में उक्त अधिनियम के प्रयोजनार्थ नियुक्त करती है जो प्रदत्त शक्तियों का उपयोग करेगा और उक्त सारणी के स्तम्भ (2) में निर्धारित परिस्तरों के बारे में इस अधिनियम के द्वारा या इसके अधीन सम्पदा अधिकारियों को दी गई दृष्टियाँ निभाएगा।

सारणी

अधिकारी का पदनाम	लोक परिवार
1	2
सहायक निदेशक, पट्टा प्रशासन शाखा, आवास विभाग, दिल्ली विकास प्राधिकरण	दिल्ली में दिल्ली विकास प्राधिकरण द्वारा विकसित आवास सम्पदाओं की सीमाओं के अंतर्गत दिल्ली विकास प्राधिकरण के परिस्तर।

[संख्या के०-11011/38/79-डी०बी० I-ए/1-बी०]

कृष्ण प्रताप, उप सचिव

MINISTRY OF WORKS & HOUSING

New Delhi, the 21st February 1980

S.O. 1038.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Officer mentioned in column (1) of the Table below being an officer equivalent to the rank of a gazetted officer of Government to be the Estate Officer for the purposes of the said Act, who shall exercise the powers conferred, and perform the duties imposed, on Estate Officers by or under this Act, in respect of the premises specified in column (2) of the said Table.

TABLE

Designation of the Officer	Public Premises
1	2
Assistant Director Housing Administration Branch, Housing Department, Delhi Development Authority	Premises belonging to the Delhi Development Authority situated within the limits of the Housing Estates, developed by Delhi Development Authority, in Delhi.

[No. K-11011/38/79-DD.I-A/I.B]
KRISHNA PRATAP, Dy. Secy.

नई दिल्ली, 7 अप्रैल, 1980

का० आ० 1039 :—दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 3 की उपधारा (3) के खण्ड (छ) के साथ पठित उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्माण और आवास मन्त्रालय के दिनांक 3-11-1978 अधिसूचना संख्या के०-11011/22/78/डी० बी०-1 ए० के अधीन केन्द्रीय सरकार एतद्वारा नई दिल्ली नगर पालिका के प्रशासक श्री पी० एन० बहल को श्री एस० सी०

छाबड़ा के स्थान पर दिल्ली विकास प्राधिकरण के सदस्य के रूप में नियुक्त करती है। और भारत सरकार स्वास्थ्य मन्त्रालय के दिनांक 30-12-1957 अधिसूचना संख्या 12-173/57-एल० एस० जी० में निम्नलिखित श्री मंगोधन करती है, नामतः :—

उक्त अधिसूचना की मद संख्या 10 में "श्री एस० सी० छाबड़ा, अध्यक्ष नई दिल्ली नगर पालिका" के इन्दराज के लिए निम्नलिखित इन्दराज प्रस्थापित किया जायेगा :—

"श्री पी० एन० बहल, प्रशासक, नई दिल्ली नगर पालिका"

[सं० के-11011/22/78-डी० बी० I (ए)/II बी०]

ज० ए० गमद, अवसर सचिव

New Delhi, the 7th April, 1980

S.O. 1039.—In exercise of the powers conferred by sub-section (1), read with clause (g) of sub-section (3) of section 3 of the Delhi Development Act, 1957 (61 of 1957) and in supersession of Ministry of Works & Housing Notification No. K-11011/22/78-DDI-A, dated the 3rd November, 1978, the Central Government hereby nominates Shri P. N. Bahl, Administrator, New Delhi Municipal Committee as a member of the Delhi Development Authority in place of Shri S. C. Chhabra and makes the following further amendment in the Notification of the Government of India in the Ministry of Health No. 12-173/57-LSG, dated the 30th December, 1957, namely :—

In the said notification, in item No. 10 for the entry "Shri S. C. Chhabra, President of the New Delhi Municipal Committee", the following entry shall be substituted :—

"Shri P. N. Bahl, Administrator, New Delhi Municipal Committee."

[No. K-11011/22/78-DDI(A)/II.B]

J. A. SAMAD, Dy. Secy.

पर्यटन और नागर विमानन मंत्रालय

नई दिल्ली, 8 अप्रैल, 1980

का० आ० 1040 :—यतः फाल्गुन एयर का एक टूटित बीच विमान की० टी०-सी० जैड० एक्स० उदयपुर से जयपुर के लिये एक प्राइवेट (गैर-अनुसूचित) उड़ान करते समय 31 मार्च, 1980 को भरतपुर के निकट ध्वस्त हो गया, जिसके परिणामस्वरूप विमान पर सवार सभी (विमान चालक सहित पाँच व्यक्तियों) की मृत्यु हो गई;

और, यतः, केन्द्रीय सरकार यह आवश्यक समझती है कि उक्त दुर्घटना की एक जांच समिति द्वारा जांच करवाना वांछनीय है;

अतः, अब, वायुयान नियम, 1937 के नियम 74 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा दुर्घटना की परिस्थितियों तथा दुर्घटना के संभावित कारणों का पता लगाने के लिए एक जांच-समिति नियुक्त करती है, जिसमें निम्नलिखित सम्मिलित होंगे :—

1. श्री आर० प्रसाद,
विमान सुरक्षा के अवकाश-प्राप्त निदेशक,
नागर विमानन विभाग —अध्यक्ष
2. कैप्टन जे० टाप्पलान,
प्रबन्धक, विमानन सेवा विभाग,
टाटा आयरन एंड स्टील
कम्पनी लिमिटेड,
जमशेदपुर —सदस्य

3. श्री बी० आर० चौगुडा,
निमान सुरक्षा के उपनिदेशक,
(इजीनियरिंग), नागर विमानन
विभाग

—सदस्य-सचिव

समिति को दो महीने के अंदर-अंदर अपनी रिपोर्ट प्रस्तुत करनी है।

[सं० ए० बी० 15013/5/80-ए]

आर० एन० गुप्ता, प्रवर सचिव

MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi, the 8th April, 1980

S.O. 1040.—Whereas Falcon Air's Twin Beech aircraft VT-CZX, while engaged on a private (non-scheduled) flight from Udaipur to Jaipur, crashed near Bharatpur on 31st March, 1980, resulting in the death of all the occupants (live persons including pilot).

And whereas, it appears necessary to Central Government that it is expedient to hold an inquiry into the said accident by a Committee of Inquiry.

Now, therefore, in exercise of the powers conferred by Rule 74 of the Aircraft Rules, 1937, the Central Government hereby appoints a Committee of Inquiry composed of the following persons to determine the circumstances of the accident and probable causes leading to the accident:—

- (1) Shri R. Prasada,
Retd. Director of Air Safety,
Civil Aviation Department —Chairman
- (2) Captain J. Tapsall,
Manager, Aviation Service Department,
Tata Iron and Steel Company Ltd.,
Jamshedpur —Member
- (3) Shri B.R. Chopra,
Deputy Director of Air Safety
(Engineering),
Civil Aviation Department —Member-Secy.

The Committee is required to submit its report within a period of two months.

[F. No. Av. 15013/5/80-A
R.N. GUPTA, Under Secy.]

MINISTRY OF LABOUR

New Delhi, the 2nd April, 1980

S.O. 1041.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employer in relation to the management of Western Coalfields Limited (Sales & Marketing Division) Nagpur and their workmen which was received by the Central Government on 1st April, 1980.

BEFORE SHRI A.G., QURESHI, M.A., LL.B., PRESID-
ING OFFICER, CENTRAL GOVERNMENT INDUST-
RIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR (M.P.)

CASE NO. CGIT/LC(R)/(54)/1978

PARTIES :

Employers in relation to the management of Western Coalfields, Limited (Sales and Marketing Division) Nagpur and their workman, Shri Vinayak S/o Shri

20 GI/80—8

Mahadeo Dhurve, C/o C. P. Club, Civil Lines, Pod-
dar Cottage, Nagpur (M.S.).

APPEARANCES :

For Management—Shri P. S. Nair, Advocate.

For Workman—Shri S. P. Chaurasia, Advocate.

INDUSTRY : Coal

DISTRICT : Nagpur (M.S.)

AWARD

In Exercise of the powers conferred by Clause (d), Sub-section (1) of Sec. 10 of the Industrial Disputes Act, 1947, the Government of India in the Ministry of Labour has referred the following dispute to this Tribunal, for adjudication, vide Order No. L-18012(7)/78-D-IV(B) dated 18th October, 1978 :—

"Whether the action of the management of Western Coalfields Limited (Sales & Marketing Division) Nagpur in stopping from work Shri Vinayak Mahadeo Dhurve with effect from 13-12-1975 is justified? If not, to what relief is the said workman entitled?"

2. After the preliminaries were completed and issues framed 25-5-1979 was fixed for evidence of parties. But the parties sought several adjournments on one ground or the other. Consequently on 8-2-1980 the workman's Counsel requested that the workman concerned being a dismissed employee could not appear for evidence at Jabalpur; hence 26-2-1980 was fixed for evidence of parties at Nagpur. On 26-2-1980 both the Counsels for the parties along with the workman concerned appeared and filed a compromise petition duly signed by both the parties and requested that an award in terms of the settlement so arrived at between them be passed.

3. I have gone through the terms of the settlement arrived at between the parties and am of the opinion that the terms of the settlement are fair, reasonable and beneficial to the workman concerned. I, therefore, record my award according to the terms of the settlement which shall form part of the award.

A.G. QURESHI, Presiding Officer

Dated : 21-3-1980.

[No. L-18012(7)/78-D-IV(B)]

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Ref. No. CGIT/LC(R)/54/78

Management of Western Coalfields Limited, Nagpur
Through Additional Chief Personnel Officer
(Admn.)

Vs.

Shri Vinayak Mahadeo Dhurve

In the matter of Industrial Dispute regarding stopping of
Sri Vinayak Mahadeo Dhurve from work w.e.f.
13-10-75.

The parties have to submit as under :

On a dispute raised by Sri Vinayak S/o Mahadeo Dhurve the Central Government by its Order No. L-18012(7)/78-D-IV(B) dated 18th October, 1978 made the following reference to the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur :—

"Whether the action of the management of western Coalfields Limited (Sales & Marketing Division), Nagpur in stopping from work Sri Vinayak Mahadeo Dhurve with effect from 13-12-75 is justified? If not, to what relief is the said workman entitled?"

The matter has been pending for sometime. Sri Vinayak Mahadeo Dhurve approached the management for sympathetic consideration of his case. After detailed discussion between the parties the management, without prejudice, and Sri Vinayak Mahadeo Dhurve settled the dispute on the following terms :—

TERMS OF SETTLEMENT

1. The management, on sympathetic consideration, have agreed to give appointment to Sri Vinayak Mahadeo Dhurve as a regular employee with effect from the date of his joining in New Majri Colliery of Wardha Valley Area as Category-I Mazdoor.
2. Sri Vinayak S/o Mahadeo Dhurve is not entitled for backwages or any other relief. After this settlement he will have no claim, whatsoever, against the management of Western Coalfields Ltd. or any of its Offices.
3. The parties feel that the terms of settlement are fair and reasonable and in the interest of industrial peace.
4. The parties will submit the settlement before the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur and pray for Award in terms of the settlement.

Sd.

Management

Western Coalfields Limited
Addl. Chief Personnel Officer (Admn.)
Western Coalfields Limited, Nagpur

PART OF AWARD

(VENAYAK MAHADEO DHURVE)

A. G. Qureshi, Presiding Officer
Nagpur,

Dated 26th February, 1980.

Witnesses :

- (1) Sd/- (K. C. Sharma).
- (2) Sd/- (V. P. George)

A. G. QURESHI, Presiding Officer

S.O. 1042.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employer in relation to the management of Western Coalfields Limited (Sales and Marketing Division) Nagpur and their workmen which was received by the Central Government on 1st April, 1980

BEFORE SHRI A. G. QURESHI, M.A., I.L.B., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(55)/1978

PARTIES :

Employers in relation to the Management of Western Coalfields Limited (Sales and Marketing Division) Nagpur,

AND

Their workman Smt. Saraswatibai, W/o Jairam Patil, C/o New Futura Basti Amaravati Road, Near Balwadi, Nagpur (M.S.).

APPEARANCES :

For Management—Shri P. S. Nair, Advocate.

For Workman—Shri S. P. Chaurasia, Advocate.

INDUSTRY : Coal.

DISTRICT : Nagpur (M.S.)

AWARD

By an Order No. L-12012(8)/78-D-IV(B) dated 18th October, 1978, the Government of India in the Ministry of Labour, in exercise of the powers conferred by Clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal, for adjudication :—

“Whether the action of the management of Western Coalfields Limited, Nagpur in stopping from work Smt. Saraswatibai W/o Jairam Patil, Attendant/

Messenger of Sales and Marketing Division with effect from 1st October, 1975 is justified? If not, to what relief is the concerned workman entitled?”

2. After the preliminaries were completed the case was fixed for evidence of parties at Nagpur on 26th February, 1980, on which date the parties appeared and filed a compromise petition duly signed by both the parties. The parties have further requested that an award in terms of the settlement arrived at between them may be passed.

3. I have gone through the terms of the settlement in which the management has agreed to give appointment to Smt. Saraswatibai Patil as a regular employee with effect from the date of her joining in New Majri Colliery of Wardha Valley Area as Category I Mazdoor and the workman concerned shall not be entitled to back wages or any other relief. The terms of settlement appear to be fair and reasonable and are beneficial to the workman. I, therefore, give my award in terms of the settlement which shall form part of the Award.

A. G. QURESHI, Presiding Officer

Dated 21-3-1980

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Ref. No. CGIT/LC(R)/55/78

Management of Western Coalfields Limited, Nagpur through Additional Chief Personnel Officer (Admn.)

Vs.

Smt. Saraswatibai Patil in the matter of Industrial Dispute regarding stopping of Smt. Saraswatibai Patil from work with effect from 1st October, 1975.

The parties have to submit as under :—

On a dispute raised by Smt. Saraswatibai Patil, the Central Government by its order No. L-18012(8)/78-D-IV(B) dated 18th October, 1978 made the following reference to the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur :—

“Whether the action of the management of Western Coalfields Limited, Nagpur in stopping from work Smt. Saraswatibai, W/o Jairam Patil, Attendant/Messenger of Sales and Marketing Division with effect from 1st October, 1975 is justified? If not, to what relief is the concerned workman entitled?”

The matter has been pending for some time Smt. Saraswatibai approached the management for sympathetic consideration of his case. After detailed discussion between the parties, the management, without prejudice, and Smt. Saraswatibai settled the dispute on the following terms :—

TERMS OF SETTLEMENT

1. The management, on sympathetic consideration, have agreed to give appointment to Smt. Saraswatibai Patil as a regular employee with effect from the date of her joining in New Majri Colliery of Wardha Valley Area as Category-I Mazdoor.
2. Smt. Saraswatibai is not entitled for back wages or any other relief. After this settlement, she will have no claim, whatsoever, against the management of Western Coalfields Limited or any of its Office.
3. The parties feel that the terms of settlement are fair and reasonable and in the interest of industrial peace.

4. The parties will submit the settlement before the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur and pray for Award in terms of the settlement.

(LTI of Smt. Saraswatibai)
(SARASWATIBAI PATIL)

Sd/-

MANAGEMENT

WESTERN COALFIELDS LIMITED

Nagpur, Dated : 26th February, 1980.

Witnesses :

1. Sd./- 2. Sd./-
K. C. Sharma V. P. George

[No. L-18012(8)/78-D.IV(B)]
SHASHI BHUSHAN, Desk Officer
A. G. QURESHI, Pre-iding Officer

अथ मंत्रालय

आदेश

नई दिल्ली, 3 अप्रैल, 1980

का० प्रा० 1043.—वेस्टर्न कोलफील्ड्स लिमिटेड झगराखंड क्षेत्र डाकघर झगराखंड कोलियरी, जिला मुरगुजा (मध्य प्रदेश) के प्रबंधक से सम्बन्धित नियोजकों और उनके कर्मचारों के बीच जिनका प्रतिनिधित्व मध्य प्रदेश कोलियरी श्रमिक महासंघ (इन्टक) मुरगुजा करती है, एक औद्योगिक विवाद विद्यमान है ;

और उक्त नियोजकों और कर्मचारों ने औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपबन्धों के अनुमरण में एक लिखित करार द्वारा उक्त विवाद को माध्यस्थ के लिए निर्देशित करने का करार कर लिया है और उक्त माध्यस्थ करार की एक प्रति केन्द्रीय सरकार को भेजी गई है ;

अतः, अब, उक्त अधिनियम की धारा 10-क की उपधारा (3) के उपबन्धों के अनुमरण में, केन्द्रीय सरकार उक्त माध्यस्थ करार को, एतद्वारा प्रकाशित करती है ।

(करार)

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के प्रयोजन)

पक्षकारों के नाम :

नियोजकों का प्रतिनिधित्व करने वाले :

प्रबंधक,
झगराखंड क्षेत्र, वेस्टर्न कोलफील्ड्स लिमिटेड, डाकघर झगराखंड कोलियरी, जिला मुरगुजा (मध्य प्रदेश)

कर्मचारों का प्रतिनिधित्व करने वाले

मध्य प्रदेश कोलियरी श्रमिक महासंघ (इन्टक), झगराखंड कोलियरी, जिला मुरगुजा (मध्य प्रदेश)

पक्षकारों के बीच निम्नलिखित औद्योगिक विवाद को श्री के० गन्मुखेल, क्षेत्रीय श्रमसंघ (केन्द्रीय), जबलपुर के माध्यस्थ के लिए निर्देशित करने का करार किया गया है ।

1. निनिर्दिष्ट विवाद प्रस्त विषय :

"क्या झगराखंड क्षेत्र के उन्नती दर के दैनिक, त्रिवर्ष, त्रैमासिक व राष्ट्रीय कोयला मजदूरी करार के अध्याय 5, पैरा 5.1 के अनुसार एक 0.40 फी० ए० की वसतुगत वृद्धि पाने के हकदार हैं, यदि हा, तो वे किस अनुपात में हकदार हैं ?"

2. विवाद के पक्षकारों का विवरण, प्रबन्धक, जिसमें प्रतिनिधित्व स्थापन या झगराखंड क्षेत्र, उपक्रम का नाम और पता भी वेस्टर्न कोलफील्ड्स लिमिटेड, डाकघर झगराखंड कोलियरी, जिला मुरगुजा (मध्य प्रदेश)

3. यदि कोई संघ प्रस्तगत वसंतकारों मध्य प्रदेश कोलियरी श्रमिक का प्रतिनिधित्व करता हो तो मजामंघ (इन्टक), झगराखंड क्षेत्र, डाकघर झगराखंड कोलियरी, जिला मुरगुजा (मध्य प्रदेश)

4. प्रभावित उपक्रम में नियोजित लगभग 300 कर्मचारों की कुल संख्या ।

5. विवाद द्वारा प्रभावित या सम्भावित 4222 व्यक्तः प्रभावित होने वाले कर्मचारों की प्राक्कलित संख्या ।

हम यह करार भी करते हैं कि मध्यस्थ का विनिश्चय हम पर बाध्यकारी होगा ।

माननीय मध्यस्थ अपना पचाह दो मास का कालावधि या इतने और समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा नड़ाया जाय, देगा ।

पक्षकारों के हस्ताक्षर

प्रबंधक का प्रतिनिधित्व करने वाले कर्मचारों का प्रतिनिधित्व करने वाले

ह०/- (पी० एस० वर्मा) ह०/- (जी० पी० वर्मा)
आमिक प्रबंधक, उपाध्यक्ष,
इन्क्यू० सी० एल०/झगराखंड ह०/- एम० पी० सी० इन्क्यू० एक०
क्षेत्र (इन्टक) जे० के० डी० क्षेत्र

माहों

1. ह०/- असाध्य

2. ह०/- अपठ्य

तारीख : 5-3-1979

स्थान—साउथ झगराखंड,

तारीख 5-7-1979

प्रतिनिधि निम्नलिखित का प्रेषित :—

1. सहायक श्रमायुक्त (केन्द्रीय) माहडोल (एम०)

[संख्या 32013/8/79-डी. IV (बी०)]

MINISTRY OF LABOUR

ORDER

New Delhi, the 3rd April, 1980

S.O. 1943.—Whereas an industrial dispute exists between the employers in relation to Western Coalfields Limited, Jhagrakhand Area Post Office Jhagrakhand Colliery, District Surguja (Madhya Pradesh) and their workmen represented by M. P. Colliery Workers' Federation (INTUC) Surguja.

And, whereas, the said employers and their workmen have by a written agreement under sub-section (i) of Section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement ;

Now, therefore, in pursuance of sub-section (3) of Section 10A of the said Act, the Central Government hereby publishes the said agreement which was received by it.

AGREEMENT

(Under Section 10A of the Industrial Disputes Act, 1947)

Between

Name of the parties

Representing Employers : Representing Workmen :
 Management of Jhagrakhand Area M.P. Colliery Workers' Federation
 Western Coalfields Limited, (INTUC) Jhagrakhand Area
 P.O. Jhagrakhand Colliery. P.O. Jhagrakhand Colliery,
 Distt. Surguja (MP) Distt. Surguja (MP)

It is hereby agreed between the parties to refer the following industrial dispute to the arbitrator, Shri K. Shanmughvel, Regional Labour Commissioner (Central) Jabalpur.

(i) Specific matter in dispute :—

"Whether the Piece Rated Trammers, Drillers, Wagon Shunters of Jhagrakhand Area are to get pro-rata increase of F.D.A. as per Chapter V, para 5.4 of National Coal Wage Agreement. If so, to what relief they are entitled ?"

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved :—

Management of Jhagrakhand Area,
 Western Coalfields Limited,
 P.O. Jhagrakhand Colliery,
 Distt. Surguja (MP).

(iii) Name of the Union, if any, representing the workmen in question :—

Madhya Pradesh Colliery Workers' Federation (INTUC)
 Jhagrakhand Area,
 P.O. Jhagrakhand Colliery,
 Distt. Surguja (MP)

(iv) Estimated number of workmen affected or likely to be affected by the dispute :—About 300.

(v) Total number of workmen employed in the undertaking affected :—4222

We further agree that the decision of the arbitrator shall be binding on us.

The Joint Arbitrator shall make his award within a period of two months or within such further time as is extended by mutual agreement between us in writing.

Witnesses :

Signature of parties :

(1) Sd/- Illegible

Representing Management :

(2) Sd/- Illegible

Sd/- (P. S. Verma)

Dated 5-3-79.

Personnel Manager,
 WCL/Jhagrakhand Area.

Representing workmen :

Place : South Jhagrakhand

Dated : 5-7-1979

Sd/- G. P. Sharma

Vice President,

MPCWF (INTUC) JKD Area.

Copy to :—

1. Asstt. Labour Commissioner (C) Shajdol (M),

[No. 32013(8)/79-D. IV(B)]

New Delhi, the 9th April, 1980

S.O. 1044.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad in the industrial dispute between the employer in relation to the management of Singareni Collieries Company Limited, Godavari Khani No. 5 Incline, Ramagundam Division-II, Godavari Khani (PO), and their workmen which was received by the Central Government on 5th April, 1980.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

Industrial Dispute No. 36 of 1978

BETWEEN

Workmen of Singareni Collieries Company Limited,
 Godavari Khani No. 5, Incline, Ramagundam Division-II
 Godavari Khani (A.P.)

AND

The Management of Singareni Collieries Co. Ltd., Godavari Khani No. 5 Incline Ramagundam Division-II
 Godavari Khani (PO).

PRESENT :

Shri M. Srinivasa Rao, M.A., LL.B., Industrial Tribunal.

APPEARANCES :

Sri A. Lamshmana Rao, Advocate for the Workmen,
 Sarvasri K. Srinivasa Murthy, and K. Satyanarayana
 Rao Advocates for the Management.

AWARD

An industrial dispute between the Workmen and the Management of Singareni Collieries Company Limited, Godavari Khani No. 5 Incline, Ramagundam Division-II, Godavari Khani (PO) has been referred to this Tribunal for adjudication by the Government of India, Ministry of Labour by its Order F. No. L-21012(15)/78-D. IV(B), dated 19-10-1978 in exercise of its powers under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 framing the following issue in the schedule in the reference.

SCHEDULE

Whether the action of the management of M/s. Singareni Collieries Company Limited, in terminating the services of Shri Kasarla Narasiah, Ex-Casual Worker, Godavari Khani No. 5 Incline Godavari Khani with effect from 7-9-76 is justified? If not, to what relief is the concerned workman entitled?

2. The said reference has been numbered by this Tribunal as Industrial Dispute No. 36 of 1978 and notices have been issued to the parties concerned.

3. The workman filed his claims statement and the Management its written statement as counter. No evidence is adduced before me and the parties argued the matter on the basis of the termination order and the standing Orders of the Singareni Collieries Company Ltd.

4. In his statement the workman mentions that he was employed in Singareni Collieries Company Ltd., Godavari Khani No. 5 Incline as a Casual worker and worked for about an year; that his name was removed from the Company's Muster Roll from 7-9-1976 without any notice or charge sheet to him; that he was issued a notice by Colliery Manager, No. 5 Incline terminating his services without any enquiry, that his representations to the Management on 1-10-1976 and 5-1-1977 for reinstatement were not considered; that he raised an industrial dispute on 4-4-1978 before the Labour Enforcement Officer but the Management did not attend the conciliation meeting and later the matter was referred to the Ministry of Labour and ultimately referred to this Tribunal for adjudication. It is further mentioned in the claims statement that his services were terminated illegally during the emergency period, that the Management harassed and victimised several workers during the emergency similarly and reinstatement them, but his case was not considered favourably and justice was not done to him. He prays for an award directing the Singareni Collieries Co. Ltd., to reinstate him in service with full back wages.

5. The written statement of the Management is that this worker was appointed as casual worker on filling work at Godavari Khani No. 5 Incline purely in absentee vacancies on 2-5-1976, that as per the terms of appointment he was to present himself everyday at the appointed hour to secure job at the Mine; that it was found that he was very irregular in attendance with the result that the purpose for which he was appointed namely to work in absentee vacancies was not served at all on account of his irregular and non-dependability that within four months of his appointment on a review being made it was found that he absented himself for 40 days and further as piece rated worker his work of filling was also found to be unsatisfactory. It is further averred that the Management could not afford to keep on its

rolls such irregular and unsatisfactory casual workers, that the casual workers whose work attendance and conduct are found to be good are eventually absorbed in permanent vacancies, that the Management had no alternative other than to discontinue this worker as his attendance and work were unsatisfactory and he was of no use to the Management and therefore he was removed from the rolls with effect from 7-9-1976. It is further mentioned that the Management is not aware of the earlier representations of the workmen till he raised an industrial dispute with the Labour Enforcement Officer. The Management finally submits the action taken by it is fully justified and legal and no relief has to be allowed to this workman.

6. Copy of the termination order is enclosed to the claim statement of the workmen. The order is as follows :—

“GDK/5/33/3470/76 dated 6-9-1976.

Sri R. Ramaswamy, Sri Gunnathula Lingaiah
Sri Kasarla Narasiah
Sri Arelli Rajaiah
Sri Pydipalli Boomaiah
Sri Pitham Rajamouli

C.W (filling) GDK No. 5 Incl.

It has been observed from the records that your work and attendance are not satisfactory. Therefore, it has been decided to remove your name from the Casual Worker's (filling) list of the mine. Therefore your name is hereby removed from rolls with effect from 7-9-1976.

Sd/-

C. Mgr. GDK. No. 5 Inc.

C. C. Paysheet (F) Manway.
Overman U/Mgr.
L. R. Incharge CMPF & Bonus
Stores Clerk W.O.
DS., RG. 2.

7. It is not in dispute that the Company maintains a list or rolls of casual workers and that these casual workers are given job in absentee vacancies at the Mine. Whenever some regular workers for some reason or other cannot turn up to work, in such casual absentee vacancies the workers from this roll of casual workers maintained by the Company are taken in and given job. It is admitted on behalf of the Management that such of the casual workers whose work, attendance and conduct are found to be good are eventually absorbed in the permanent vacancies. The plea of the Management before me is that this particular worker Kasarla Narasiah was very irregular in attendance and within four months of his appointment on a review it was found that he absented himself for 40 days and further his work of filling also as piece rate worker was found to be unsatisfactory and as he is a casual temporary worker, the Management in the circumstances had every right to remove him from the rolls. A printed copy of the Standing Orders of the Singareni Collieries Co. Ltd., is produced before me. The learned counsel for the Management refers me to Standing Order 13(c) in support of the plea of the Management. This 13(c) provides that no temporary employee whether monthly paid or weekly paid or piece-rate or probationer or substitute whether monthly or weekly paid shall be entitled to any notice or pay in lieu thereof if services are terminated. As rightly pointed out by the learned counsel for the Workman, if the termination of the workman Kasarla Narasiah was termination simpliciter or a simple removal from the rolls or list of casual workers without anything further, then the worker concerned cannot validly object to such action of the Management. But in the present case it is not a removal or termination simpliciter. With the allegation that the work and attendance of this workman were not satisfactory and so it was decided to remove his name from the casual workers list, the name of this worker was removed from the rolls with effect from 7-9-1976. Standing Order 16 gives illustrations of misconduct. Item No. 4 of this Standing Order is habitual late attendance and habitual absence without leave or without sufficient cause. Item No. 6 is habitual negligence or neglect of work. These are instances of misconduct for which an employee may be suspended, fined or dismissed. But no dismissal order shall be made unless the employee concerned was informed in writing of the alleged misconduct and was given an opportunity to explain the circumstance alleged against him as

per the Standing Order 16(a). From the removal order enclosed the claims statement, it is clear that this termination was not a termination simpliciter but was for the reasons mentioned therein and those reasons clearly allege misconduct. The Management has thus removed this workman from its rolls of casual workers for the alleged misconduct. But before such removal or dismissal no notice was given to him informing him of the alleged misconduct or the reasons and no opportunity was given to him to explain the circumstances alleged against him. This order of removal is not justified and is unsustainable and the Company should reinstate this workman as prayed by him by including his name in the rolls of casual workers. The worker should be given his original place in this roll. As far as the prayer of the worker as per the back wages is concerned this cannot be accepted. As seen he is casual worker and a piece rate worker. There was no guarantee of job to him and from the rolls of the casual workers he might be one of the workers that might be picked up by the Management to fill the absentee vacancy as and when such vacancies might arise. Under these circumstances, it would not at all be proper and would be very unfair to direct the Management to pay any back wages to this workman. Therefore, this portion of the prayer of the workman cannot but be rejected as untenable. The only relief the worker can be granted is regarding his inclusion in the list or rolls of casual workers maintained by the Company as mentioned above and I direct the Management to reinstate his name in the rolls accordingly.

Award passed accordingly.

12th March, 1980

M SRINIVASA RAO, Presiding Officer
[No. L-21012(15)/78-D IV(B)]

S.O. 1045.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad in the industrial dispute between the employer in relation to the management of Singareni Collieries Company, Limited, Godavari Khani No. 5 Incline, Ramagundam Division-II, Godavari Khani (P.O.) and its workmen which was received by the Central Government on 5th April, 1980.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDRABAD

PRESENT :

Sri M. Srinivasa Rao, M.A., LL.B., Industrial Tribunal (Central).

Industrial Dispute No. 37 of 1978

BETWEEN

Workmen of Singareni Collieries Company Limited, Bellampalli Division I, Boipalli Mine, Adilabad District A.P.

AND

The Management of M/s. Singareni Collieries Company Limited, Bellampalli Division-I, Boipalli Mine, Adilabad District A.P.

M. P. No. 200 of 1978 in I.D. No. 37 of 1978

BETWEEN

K. Narasimha Rao, General Mazdoor, Boipalli Mine, S. C. Co., Ltd., Bellampalli Division-I, Bellampalli Dist. ...Petitioner

AND

The Management of M/s. Singareni Collieries Co., Ltd., Bellampalli Division, Bellampalli ...Respondent

M. P. No. 201 of 1978 in I.D. No. 37 of 1978

BETWEEN

B. Sampath Kumar, Temporary Tunnel Mazdoor, M. V. K. II, Incline, S. C. Co., Bellampalli Division-I, Bellampalli, Adilabad Dist. ...Petitioner

AND

The Management of M/s. Singareni Collieries Company Limited, Bellampalli Division-I, Bellampalli, Adilabad Dist. ..Respondent

M. P. No. 202 of 1978 in I.D. No. 37 of 1978

BETWEEN

E. L. N. S. Prasad, General Mazdoor, Boipalli Mine, S. C. Co., Bellampalli Division-I, Bellampalli. ..Petitioner

AND

The Management of M/s. Singareni Collieries Co., Ltd., Bellampalli Division-I, Bellampalli ..Respondent

M. P. No. 203 of 1978 in I.D. No. 37 of 1978

BETWEEN

K. Vijay Kumar, General Mazdoor, Boipalli Mine, S. C. Co., Bellampalli Division-I, Bellampalli ..Petitioner

AND

The Management of M/s. Singareni Collieries Co. Ltd., Bellampalli Division-I, Bellampalli Adilabad Dist. ..Respondent

M. P. No. 2 of 1979 in I.D. No. 37 of 1978

BETWEEN

Md. Iqbal Qureshi, Temporary Tunnel Mazdoor, M. V. K. Incline, Singareni Collieries Co., Ltd., Bellampalli Division-I, Bellampalli Adilabad District A.P. ..Petitioner

AND

The Management of M/s. Singareni Collieries Co., Ltd., Bellampalli Division-I, Bellampalli ..Respondent

M. P. No. 3 of 1979 in I.D. No. 37 of 1978

BETWEEN

Md. Nasimuddin, Temporary Tunnel Mazdoor, M. V. K. I Incline, Singareni Collieries Co., Ltd., Bellampalli Division-I, Bellampalli ..Petitioner

AND

The Management of M/s. Singareni Collieries Company Limited, Bellampalli Division I, Bellampalli, Adilabad Dist. ..Respondent

APPEARANCES :

1. Sri A. Lakshmana Rao, Advocate for the Workmen/Petitioners.
2. Sri K. Srinivasa Murthy, Hon. Secretary, Federation of Chambers of Commerce and Industry for the Management/Respondent.

COMMON AWARD

The Government of India, Ministry of Labour, under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947 by its Order F. No. L-21012/18/78-DIV(B) dated 28-10-1978 has referred to this Tribunal the following issues for adjudication in the Industrial Dispute between the Workmen and the Management of Singareni Collieries Company Limited, Bellampalli Division I, Boipalli Mine, Bellampalli, Adilabad District.

SCHEDULE

- "(1) Whether the action of the management of Messrs Singareni Collieries Company Limited in not regularising the workmen as mentioned in Annexure as Clerks Grade II although they have Officiated in this capacity for periods ranging from 2 to 3 years against clear vacancies is justified? If not, to what relief are the said workmen entitled?

- (2) Whether the demand of the said workman for officiating allowance for working as Clerks although employed as mazdoors, is justified? If so, to what relief are the said workmen entitled?

ANNEXURE

1. Shri K. Vijaya Kumar
2. Shri P. L. N. Prasad
3. Shri K. Narasimha Rao
4. Shri K. Lingajiah
5. Shri Ch. Rama Rao
6. Shri Md. Naziuddin
7. Shri Md. Iqbal Qureshi
8. Shri B. Sampath Kumar
9. Shri T. Tukaram."

2. The reference was registered by this Tribunal as Industrial Dispute No. 37 of 1978 and notices were sent to parties concerned.

3. During the pendency of this dispute the above referred six Miscellaneous Petitions, have been filed by workmen under Section 33A of the Industrial Disputes Act.

4. A joint Memo was filed by the Workmen and the Management to record evidence in Industrial Dispute No. 37 of 1978 for the industrial dispute as well as for the miscellaneous petitions and treat that as evidence in all these matters.

5. After some evidence was recorded, the parties settled the disputes between them amicably out of court and filed a joint Memo with copies of settlement arrived at between them and prayed for passing award in terms of the Settlement.

6. I have gone through the terms of the settlement. The Settlement is just and proper and also it is in the interest of the workmen apart from being in the interests of cordial relations between Workmen and the Management. There cannot be any objection to adopt this Settlement as an Award of this Tribunal in I.D. and the six M. Ps.

7. Award passed accordingly in terms of the Settlement between the parties. Copy of the Settlement is herewith attached as part of the award.

[No. L-21012(18)/78-D, IV(B)]

M. SRINIVASA RAO, Presiding Officer

12-4-80

Appendix of Evidence

Witnesses examined for Workmen
W.W. 1 K. Vijaya Kumar

Witnesses examined for Management

Nil

Documents marked for Workmen and Management
NIL

Sd/-

Industrial Tribunal

MEMORANDUM OF SETTLEMENT ARRIVED AT UNDER RULE 58(4) OF I.D. (CENTRAL RULES) 1957 BETWEEN THE MANAGEMENT OF SINGARENI COLLIERIES COMPANY LIMITED AND THEIR WORKMEN REPRESENTED BY THE TANDUR COAL MINERS LABOUR UNION, BELLAMPALLI ON 13-9-1979 AT BELLAMPALLI

On Behalf of Management

1. Sri S. P. Ahuja,
General Manager,
Bellampalli.
2. Sri P. T. Thomas,
Personnel Officer,
Bellampalli.

On Behalf of Union

1. Sri S. Nagaiiah Reddy,
President, T.C.M.L.
Union, Bellampalli.

On Behalf of Union

1. Sri S. Nagaiah Reddy,
President, T. C. M. L. Union
Belampalli.

New Delhi, the 9th April, 1980

S.O. 1046.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad in the industrial dispute between the employer in relation to the management of Singareni Collieries Company Limited, Godavari Khani No. 5 Incline, Ramagundam Division-II, Karimnagar District, Andhra Pradesh and their workmen which was received by the Central Government on 7th April, 1980.

No. L-21012(6)/78-D.IV(B)

**BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT
HYDERABAD**

Present :—Shri M. Srinivasa Rao, M.A., I.L.B. Industrial Tribunal.

Dated the 14th March, 1980

Industrial Dispute No. 26 of 1978

BETWEEN

Workman of Singareni Collieries Company Limited,
Godavari Khani No. 5 Incline,
Ramagundam Division-II,
Karimnagar District, Andhra Pradesh.

AND

The Management of Singareni Collieries Company Limited,
Ramagundam Division-II,
Godavari Khani No. 5 Incline,
Karimnagar District, Andhra Pradesh.

APPEARANCES :

1. Sri A. Lakshmana Rao, Advocate for the Workman.
2. Sarvasri K. Srinivasa Murty and K. Satyanarayana Rao, Advocates for the Management.

AWARD

A dispute between the Management of Singareni Collieries Company Limited, Godavari Khani No. 5 Incline, Ramagundam Division-II, Karimnagar District and their Workman has been referred to this Tribunal for adjudication by the Government of India, Ministry of Labour through its Order P. No. L-21012(6)/78-D-IV(B) dated 31-8-1978 specifying the following issue in the schedule in that order :—

SCHEDULE

"Whether the action of the Management of Singareni Collieries Company Limited in terminating the services of Shri Sakali Rayalingu, Ex-Shot Fitter, Godavari Khani No. 5 Incline, Ramagundam Division-II with effect from 26-10-1977 is justified? If not, to what relief is the concerned workman entitled?"

2. The said reference has been numbered as I.D. 26 of 1978 by this Tribunal and notices have been issued to the parties concerned. The workman has filed his claims statement and the Management its written statement. Both the parties are represented by their respective counsel.

3. The workman concerned has examined himself as W.W. 1 and on behalf of the Management two witnesses the Doctor of Bellampally Hospital and the Superintendent of the Singareni Collieries Company who worked as Collieries Manager at Godavari Khani No. 5 Incline during 1975—1977 are examined as M.Ws 1 and 2 respectively. Exs. W1 to W11 and Exs. M1 to M10 are got marked during the examination of the witnesses in support of their respective claims.

4. Sri Sakali Rayalingu the workman concerned is the employee of the Singareni Collieries Company since 1965. In the claims statement it is mentioned that he joined the Company as a tunnel mazdoor in 1965. In 1969 he was appointed as shot fitter and continued in that capacity till the present dispute arose. As a shot fitter he was employed to work in the underground. One of his duties as shot fitter was to gather the mis-fired explosives from the mine and destroy them at a far away place by setting fire. On 20-8-1975 at about 10.15 A.M. in the process of destruction of mis-fired explosives this worker met with an accident as one explosive exploded and he sustained injuries all over his body including

SHORT STATEMENT OF THE CASE

The Tandur Coal Mines Labour Union has raised a dispute stating that the following Nine TGMs/ITMs in Category-I were working as Clerks at Boipalli, MVK.1, MVK.2 Inclines, but the management denied to confirm them as Clerks, Gr. II and failed to pay acting allowance. The same was referred for adjudication as I.D. 37 of 1978, after the discussions ended in a failure at Conciliation :—

Sl. No.	Name	Desig.	Place of work
1.	Sri K. Vijaya Kumar	T.T.M.	Boipalli No. 1 Inc.
2.	Sri E.L.N. Prasad	T.T.M.	Boipalli No. 1 Inc.
3.	Sri K. Narasimha Rao	T.T.M.	Boipalli No. 1 Inc.
4.	Sri K. Lingaiah.	T.T.M.	Boipalli No. 1 Inc.
5.	Sri Ch. Rama Rao	T.T.M.	Boipalli No. 1 Inc.
6.	Sri Md. Nazimuddin	T.T.M.	M. K. 1 Incline.
8.	Sri Id. Iqbal Quershi	T.T.M.	MVK.2 Incline.
8.	Sri B. Sampath Kumar	T.T.M.	MVK.2 Incline.

In the meanwhile, the Union discussed the Case further with the Management and the following Settlement is arrived at, in order to maintain harmonious relations.

Terms of Settlement

1. The Management agrees to take the three Graduates S. Sri K. Vijayakumar, E. L. N. Prasad and B. Sampath Kumar as Clerks in Gr. II in the grade of Rs. 508-23-692-808 (As per National Coal Wage Agreement-II) on an initial basic salary of Rs. 508 per month with effect from 16-9-1979 after scrutiny of their certificates. They will be confirmed and granted increments only after passing type-writing examination and departmental test and on satisfactory report regarding their work, conduct and attendance.

2. Sri T. Tukaram is already working as Pump Khalsi at MVK. 2 Incline. The five others will be taken in Pump Cabins in at. III with effect from 16-9-1979.

3. They will be paid a special allowance at the rate of Rs. 60 per month for the period they were engaged to perform clerical duties.

4. The intervening period of their absence till they resume duty will be treated as leave on loss of pay as a special case, adjusting any leave/sick with pay/Casual Leave to their credit.

5. The arrears payable to them under item No. 3. will be paid on or before 10-10-1979.

6. The Union agrees not to raise any further claim and this agreement settles the claim for the above dispute in full and the parties will file the same agreement before the Tribunal for passing an Award.

SIGNATURES

Representing the Management.	Representing the Workmen
1. Sri S. P. Ahuja, General Manager, Belampalli.	1. Sri S. Nagaiah Reddy, President, T.C.M.L. Union, Belampalli.
2. Sri P. T. Thomas, Personnel Officer, BPA, MM and RKP.	

Witnesses :

1. Sri D. Subrahmaniam,
Divisional Personnel Officer,
Belampalli.
2. Sri B. Mohandas,
Clerk Gr-II,
P.O's Office, BPA.

his eyes. The version of the workman as per the claims statement and his evidence is that he was admitted in the Company dispensary at Godavari Khani, that though he did not recover fully he was discharged from the hospital on 3-9-1975 declaring him fit and on 4-9-1975 he joined duty as he had no other go, that he was entrusted with surface job and worked upto 14-9-1975, that on 15-9-1975 as the pain in eyes became unbearable and the vision became blurred he left for his native place Chandrapur (Maharashtra State) and Dr. Mamidwar an eye specialist of Chandrapur operated on the right eye for the injury and kept him under treatment upto 8-10-1975 and thereafter he was advised rest for sometime. He further alleges in the claims statement that from 31-12-1975 he was permitted to join duty as shot firer and after working for sometime he requested for some allotment of surface job but that request was rejected, that he made a claim under Workmen's Compensation Act and that claim is now pending before the Commissioner for Workmen's Compensation that he finally got himself examined by an eye specialist on 19-9-1977 at Karimnagar and it was found that he was blind in his right eye due to a perforating injury of the globe and with that certificate he approached the Management with a request to allot him surface job but the Management asked him to undergo a medical examination as to his fitness and on 28-10-1977 he was examined by the company's doctor and on 13-11-1977 he was informed through a letter that he was medically unfit and his services were terminated with effect from 28-10-1977. The workman alleges in his claims statement that he suffered injury to the right eye in the accident arising out of and in the course of employment, that his left eye is normal, that several workmen who were injured in the course of employment were provided alternative jobs on the surface but the Management refused his request to provide him an alternative job. In the claims statement the names of 6 persons are given as the injured workmen who were provided the surface jobs. It is further alleged by the workman that his termination amounts to retrenchment and retrenchment compensation was not paid. The order of termination is illegal and invalid and he is fit to do any surface job as his left eye has normal vision and therefore the termination order should be set aside and the Management should be directed to reinstate him with full back wages.

5. The written statement of the Management is that this workman was admitted in hospital and treated for lacerated wound right temple with multiple abrasions all over the body and face and foreign body both eyes, that he was referred to Ophthalmologist at Company's hospital at Bellampally on 30-8-1975, that he was treated for left eye traumatic conjunctivitis abrasion cornea and he has discharged to attend outpatient department at Godavari Khani dispensary with report that the vision is 6/6 (Normal) in both eyes, that there was no injury to his right eye arising out of the accident and the vision in the left eye which received slight abrasion would be normal, that on 2nd September, 1975 he was declared to be fit by the hospital authorities and that he was paid half-monthly compensation for the period till 2-9-1975. It is further averred that on 28-10-1977 this worker was declared unfit for underground work and his services were accordingly terminated and his request for reinstatement was not considered. Since he was declared unfit for the underground job for which he was employed no other job could be provided to him and the case of another worker Nittoori Rayamalu is not of any relevance and taking back some workers for surface jobs is purely a Management's function and left to its discretion. The workman's services were terminated as he became unfit for his job and that does not amount to retrenchment and the act of the Management was fully warranted and legal and the workman is not entitled to any relief now.

6. Before proceeding further it is convenient to extract the termination order Ex. W10.....

"The Singareni Collieries Company Limited.

Regd. Office :

Kothagudem Collieries-507101

Bhadrachalam Road Station.

S.C. Rly.

Ref. No. DPO/RG/10B/77/3438.

Ramagundam Div.

Godavari Khani P.O.

Ramagundam

R.S. (S.C. Rly.)

Karimnagar Dist. (A.P.)

Date 13-11-77.

Sri Sakali Rayalingu.

Shot firer,

GDK. No. 5 Incline.

Sd/- 13-11-77

Through : SME./C. Mgr., 5 Incline

You have been declared medically 'Unfit' for underground work during the medical examination held on 28-10-77 by the Sr. Medical Officer, Ramagundam. As such your services are hereby terminated with effect from the date of medical examination. You are being paid one month wages in lieu of notice.

You are advised to apply for the settlement of your accounts

Sd/-

Addl. GM. RG. I."

That this order preceded by medical examination of the concerned workman on 28-10-1977 and the medical opinion is that he is unfit for underground work as shot firer is an admitted fact. Ex. M10 is the certificate of the Medical Officer informing that this workman who is a shot firer was examined on 28-10-1977 and that it was found that he was unocular (left eye vision 6/5 and right eye vision is only counting of fingers 1/4 meter) and as such he was unfit for underground work. Ex. W9 the certificate obtained by the workman from an eye specialist from Karimnagar dt. 19-9-1977 is also to the effect that this workman is blind in his right eye and he can only count fingers close to his right eye and he is having normal vision in his left eye. This medical certificate of course recommends surface job to this workman instead of underground work in the mine. Even the evidence of the workman as W.W.1 is that his right eye vision is bad and he cannot do underground work and that is why he was applying to the Company for allotting him surface job. Thus on the eve of the termination this workman was blind in right eye and was not fit for underground work is beyond dispute. The workman says that this injury to the right eye was the result of the accident he met with on 20-8-1975 while the version of the management as can be seen from the written statement and as per the evidence of M.Ws. 1 and 2 is that the injury to the right eye was not in the course of the employment or on account of that accident and there was a slight injury to the left eye and it was attended to. But as far as this injury is concerned I am inclined to believe the version of the workman when he says that he was not at all treated properly in the Collieries hospital and as the pain in the eyes became unbearable on 15-9-1975 he went to his native place and got himself examined by a private eye specialist and got his right eye operated. I am also inclined to believe when the workman says that he gave the original of Ex. W1 certificate obtained by him from the eye specialist Dr. Mamidwar to the Management when he reported to duty. But this will not solve the present issue under consideration. The accident involving injury to right eye also took place on 20-8-1975. Admittedly he joined duty after treatment and worked as shot firer in the underground for about 2 years till his services were terminated by Ex. W10 order dated 13-11-1977.

7. The point for consideration now is "whether the above termination order is justified?" Admittedly the workman concerned was taken into service and was employed to work in underground which required a statutory certificate and admittedly he became unfit to work in the underground as he lost the vision in the right eye. As admittedly he was found, rightly even according to the worker, to be unfit in medical examination for underground work, the Management was perfectly justified in terminating the services of this unfit workman when he was unfit to do the job for which he was employed. The Management necessarily had to terminate his services. If the injury which led to this termination was sustained by the workman in the accident during the course of employment, then he may be entitled to such compensations that are allowed to him under law. But the Management cannot be compelled to continue the services of a workman who was medically found unfit for the job he was employed for.

8. The submission of the workman is that in order to do social justice and as his left eye is alright and as he is fit to do any job on surface, he should have been employed for surface job. He gives some instances of some injured

APPENDIX OF EVIDENCE

Witness Examined

For Workmen :

W.W. 1 Sri Sakali Rayalingu

For Management :

(1) M.W.1 Dr. H. M. Jaganadha Rao.

(2) M.W. 2 Sri M. K. Benjamin.

Documents exhibited for the workman :

Ex. W1 8-10-75.—True copy of the Medical certificate dt. 8-10-75 issued by Dr. Prakash Mamidwar to Sri Sakali Rayalingu.

Ex. W2 5-2-78.—Medical certificate dt. 5-2-78 issued by Dr. Prakash Mamidwar to Sri Sakali Rayalingu.

Ex. W3 27-8-76.—Application dt. 27-8-76 of Sri Sakali Rayalingu to the Colliery Manager, GDK. No. 5 Incline for payment of workman compensation.

Ex. W4 29-8-76.—Letter No. GDK/5/53/3386/76 dt. 29-8-76 of the Colliery Manager to the Senior Medical Officer, Ramagundam to send the necessary forms to make accident compensation wages and under copy to Sri Sakali Rayalingu.

Ex. W5 1-11-76.—Representation dt. 1-11-76 of Sri Sakali Rayalingu to the Divisional Superintendent, Ramagundam Division. II regarding payment of accident compensation.

Ex. W6 19-12-76.—Letter No. GDK/5/10/4513/76 dt. 19-12-76 from the management to Sri Sakali Rayalingu informed him, that he is not eligible for any compensation.

Ex. W7 30-12-76.—Representation dt. 30-12-76 of Sri Sakali Rayalingu to the Additional General Manager Ramagundam Division Area 1 for payment of Accident compensation and request for surface job.

Ex. W8 5-1-77.—Letter No. GDK/5/Conf./7/21/77 dt. 5-1-1977 from the Management to Sri Sakali Rayalingu to submit a certificate about the treatment and the particulars of operation done by a private doctor.

Ex. W9 19-9-77.—Medical certificate dt. 19-9-77 issued by Dr. Y. Seslagiri Rao to Sri Sakali Rayalingu.

Ex. W10 13-11-77.—Termination Order No. DPO/RG/10B/77/3438 dt. 13-11-77 issued by Additional General Manager to Sri Sakali Rayalingu.

Ex. W11 18-11-77.—Representation dt. 18-11-77 of Sri Sakali Rayalingu to the Additional General Manager requesting for reinstatement.

Documents exhibited on behalf of the Management :—

Ex. M1.—Out-patient chit dt. 1-9-75 issued to Sri Sakali Rayalingu by Sri H. M. Jaganadha Rao, Superintendent Colliery Hospital, Bellampalli.

Ex. M2.—Muster book maintained by the Management for the month of Sept. 1975.

Ex. M2(a).—Showing that Sri Sakali Rayalingu worked on 15-9-75.

Ex. M3.—Ten fit certificates issued by the Medical Officer, Collieries Dispensary to Sri Sakali Rayalingu.

Ex. M4.—Shot firer report book maintained by the Management.

Ex. M4 (a) Ex. M4 (b).—Showing Sri Sakali Rayalingu worked as shot firer on 22-12-75 and 23-12-75 respectively.

Ex. M5.—Shot firer report book maintained by the Management.

Ex. M6.—Suspension No. GDK/5/OS/34/292 dt. 27-1-75 issued by the Management to Sri Sakali Rayalingu.

workmen who were given surface jobs when they could not be employed in the underground any further due to the injury sustained by them. He submits that similarly he should also have been employed on the surface. The learned counsel for the workmen states that thousands of workmen are employed in the Company and it would not be difficult or inconvenient for the Company to continue this injured workman in surface work. When we find that this workman is about 36 years old only and he will be having a family to maintain and his non-employment at this stage in the circumstances might have adverse effect on his family and might bring misery to them as the bread earner is left without job and when we see that this situation is the result of an injury sustained by the workman during the course of employment while discharging the duties, one would naturally be inclined to suggest that the management should be directed to take him back for some surface job. I would have taken the same view but for the circumstance that the Management rightly finds in its discretion that this workman cannot be shown any such indulgence. There is no rule that a workman employed in underground should be provided with a surface job when he is found unfit for underground work. In some instances the management out of humanitarian considerations might take sympathetic view and continue such unfit persons in some surface jobs. But that is in the discretion of the management and because they find that such workman deserves such consideration. As of right this workman cannot demand that he should be employed similarly. The workman admits as W.W.1 that he was suspended 4 times previously. No doubt the learned counsel for the workman elicited from M.W.2, by putting a question as to why this workman was not employed for surface job while some injured workmen were employed, that they did not oblige this workman in surface work as his previous record was not good. Having elicited that, the workman tries to say that he was terminated now for misconduct and such termination was without any enquiry or opportunity to the workman and therefore bad. But the termination in this case as shot firer was because he was found medically unfit. The above referred answer of M.W. 2 about past conduct was given by M.W. 2 in cross examination when he was questioned why this workman was not provided surface job similarly. From this it cannot be argued that the very termination is for any misconduct. His previous bad record was taken into consideration by the management for not providing him surface job and not for the termination itself on medical examination. Because the management found that his previous record was not good they refused to exercise their discretion and provide him a surface job. Exs. M 6, M7, M8 and M9 orders show that charges were framed against this workman in the past and they were found proved and he was suspended on 4 occasions. These suspensions were prior to the accident itself. Because of serious commissions and omissions he was suspended like that previously. Because the workman was of such a conduct, the management in its discretion refused to employ him as surface worker when this workman had to be terminated on account of medical unfitness for the job he was employed. However liberally one may try to view the situation the workman is found now, providing an alternative job is a management function and it is in its discretion and when there is some basis to show that this discretion was not exercised improperly, the Management cannot be compelled to take back this workman to surface job now though his past behaviour is shown to be bad. I am therefore of the view that however much one may sympathise with the present plight of this workman, he cannot be pressed upon this unwilling management which had justification not to take him for surface job having lawful and justifiably terminated his services on medical unfitness. The workman cannot therefore be granted any relief.

9. On a consideration and in view of the foregoing I hold that the action of the Management in terminating the services of the workman Sri Sakali Rayalingu. Ex. Shot firer with effect from 28-10-1977 is justified and the workman is not entitled to any relief now. Award passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 14th day of March, 1980.

M. SRINIVASA RAO, Presiding Officer

[No. L-21012(6)/78-D, IV(B)]

- Ex. M7.—Suspension GDK/5/CS/34/3009 dt. 3-8-75 issued by the Management to Sri Sakali Rayalingu
- Ex. M8.—Suspension GDK(5) 8/34/3145 dt. 19-8-75 issued by the Management to Sri Sakali Rayalingu.
- Ex. M9.—Suspension GDK/5/34/1806/76 issued by the Management to Sri Sakali Rayalingu.
- Ex. M10.—Certificate dt. 3-11-77 issued by Medical Board to Sri Sakali Rayalingu.

Industrial Tribunal

S.O. 1047.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Nagpur in the industrial dispute between the employer in relation to the management of Western Coalfields Limited, Head Quarters, Nagpur and their workmen which was received by the Central Government on the 7th April, 1980.

BEFORE THE ARBITRATOR, SHRI W. K. AIMELKAR,
B.A., LL.B.

Arbitration Case No. 1 of 1979

BETWEEN

The Management of Western Coal Fields Limited, Hd.
Qr. Nagpur ...First Party

AND

Their Workmen ...Second Party
In the matter of reference under Section 10-A of the
Industrial Disputes Act, 1947.

APPEARANCES :

Shri H. D. Patel, Advocate, with Shri Gautamraj, Bhandari, Dy. Chief Personnel Manager,—for the Party No. 1.

Shri V. Y. Pradhan, Advocate,—for the Party No. 2 (W.C.L. Employees Association); and

Shri M. G. Kimmatkar, Advocate,—for the Party No. 2 (M.P.R.K.K.K. Sangh, Nagpur).

AWARD

The Management of Western Coal Fields Limited (for brevity WCL) Head Quarters, Nagpur, and their workmen have under Section 10-A of the Industrial Disputes Act, 1947, referred the following industrial dispute for adjudication in arbitration :

- (1) Having regard to the additional monetary benefit secured by the employees of Western Coalfields Ltd., Nagpur after their absorption consequent upon nationalisation of Coal Mines and keeping in view the principles adopted in the matter of fitment of taken-over employees of erstwhile Coal companies at Calcutta/Nagpur in the Wage Board scales of pay, whether the offer made by CMA/WCL Nagpur for fixation of pay with effect from 1-5-1973 in respect of the employees named below is justified? If not, what relief they are entitled to?

- (1) Shri P. D. Shevade
- (2) Shri R. M. Acharya
- (3) Shri S. D. Bapat
- (4) Shri S. R. Chourasia
- (5) Shri V. G. Ozarkar
- (6) Shri G. K. Pathak
- (7) Shri W. G. Joshi
- (8) Shri S. S. Vyas
- (9) Shri N. D. Purohit
- (10) Shri N. R. Nandagirikar
- (11) Shri B. V. Aradhye
- (12) Shri K. R. Manoranjan
- (13) Shri Joseph Victor

2. The Western Coalfields Limited Employees Association (BMS) (for brevity the Association) filed a statement of claim in respect of the 10 employees, Messrs P. D. Shevade, W. G. Joshi, S. R. Chourasia, V. G. Ozarkar, S. D. Bapat, G. K. Pathak, N. R. Nandagirikar, Joseph Victor, R. M. Acharya and K. R. Manoranjan. It is stated that this Association is a Trade Union working in the Party No. 1 industry. It is pleaded that as from 1-5-1973 all the Coal Mining industries were nationalised. The Coal Mines (Nationalisation) Act, 1973 (hereinafter referred as the Nationalisation Act) provided for the said Mines and its business to be taken over by the Coal Mines Authority having its Head Office at Calcutta. This Authority was subsequently converted into Coal India Limited, which is a Holding Company and manages all the coalfields in India. The WCL (party No. 1) is a Subsidiary Company which manages the Coal Mining business in Madhya Pradesh, Maharashtra and part of Orissa. After the management was taken over by the CMA the staff working in the Mines and Head Offices was taken over by the said Authority. It is submitted that vide Section 14(1) of the Nationalisation Act, the employees who are taken over are given protection in respect of the service conditions with their erstwhile Coal Company.

3. It is submitted that in view of the increase in the cost of living it was found necessary to raise the emoluments of the staff. The party no. 1 offered new scales to the employees but in doing that it mostly relied on the agreement entered into between the employer and the representatives of the workers at Calcutta. It is emphasised that the party no. 2 was not a party to that agreement. It is also pointed out that the conditions prevalent at Calcutta were altogether different vis-a-vis the conditions prevailing in the WCL, Nagpur. The staff in the Head Quarters in different erstwhile Coal Companies was not getting any common pay scales since there was no standardisation award, agreement or settlement. The employees with the erstwhile Coal Companies were paid different wages and even the designations for the work done by them were not similar. In Calcutta this problem was not so much pressing as most of the staff was getting some other benefits in lieu of the benefits under the award. It is, therefore submitted that the party No. 1 employer, in making an offer of scales of pay under the Calcutta Agreement is basically wrong. It is further submitted that the principles of equation ought to have been fixed by the party No. 1 so as to enable the workmen to give their option after fully understanding the implications thereof. Instead the party no. 1 offered the scales and equaled employees according to their own whims. The nature of work, seniority and right to promotion so also past experience and suitability were not taken into consideration. The Association attached to the statement of claim Annexure 'A' showing instances how favouritism has been shown to the juniors and how they are promoted and seniors victimised. It is emphasised that since the scales have been offered without equating the post and without fixing the norms for such equation, it would have the effect of depriving the employees of not only their seniority but even consideration for further promotions.

4. It is further pleaded that the concerned employees are being offered scales and fixation of pay therein whereby their basic wages are being reduced. In this connection it is pointed out that the employees who were working with the private employers and who were mostly unorganised were not treated on par with the employees in the Mines, who were governed by the standardisation award. The employer i.e. CMA had proposed notional allocations out of the total emoluments to Basic V.D.A., Attendance Bonus, House Rent and Personal Pay. This adjustment/allocation particularly in the basic pay of the employees had adversely affected the remuneration of the employees and hence, they were forced to retain their original salaries and emoluments and not to accept the proposed scales and fixation. The Association has filed Annexure 'D', which is a statement showing initial fixation offered by the management as on 1-5-1973 in the Wage Board Scales of Pay.

5. It is, therefore, submitted by the Association that the scales offered by the party No. 1 are not at all justified and hence employees should be awarded different scales on the under-mentioned principles. In the first place the employer should be directed to equate the posts held by the employees with the posts which were available with the CMA. The equation of the posts should be made thus. The designation and nature of the work done may be considered alongwith

the responsibilities carried by the posts in certain cases, which is evident from the basic wages of the post. If the designation of the post differs, the criteria for equation should be the nature of duties, responsibility and seniority. In a case in which House Rent Allowance was not paid the scale for equation should be considered by taking into consideration the notional house rent which an employee would be entitled to on the basic and it should be added to the basic to find out the total emoluments. No minimum qualifications were prescribed for the posts by the Coal Wage Board Recommendations. Hence, the taken over employees should not be discriminated by putting such conditions for their absorption or equation. Wherever the duties, responsibility and nature of work is similar but the wages, particularly the basic are more than the proposed scale of the post to be equated with the seniority and experience of the incumbent may be considered and he may be equated with the next higher post.

6. It was further submitted that the employees should be offered the scales as shown in Annexure B to the statement of claim. The basic pay of an employee held last is a guiding factor for his fitment in the new scales of pay and hence, the party no. 1 should be directed to make the fitment in the new scale point to point in the basic wage at the proper stage in the scale with additions of one increment for every three years with maximum three increments for past service. It is submitted that the 4 employees listed in the Annexure C(ii) belong to the Ballarpur Collieries Company Nagpur and were getting 30 days' V.D.A. as per the formula of V.D.A. recommended by the Coal Wage Board Award. These employees should get protection of 30 days' V.D.A. in the new fitment under the Wage Board Scales of Pay from 1-5-73. It is further pointed out that Shri R. M. Acharya, vide Annexure-C(iii), was appointed in the year 1962. In his appointment order he was offered scale of pay alongwith 2 months' wages as bonus which in fact a deferred wage. That amount should be considered as his wage and it should be taken into consideration to find out his emoluments for equating the post for fixation. It is also pointed out that the employee of D.N.C.P.H. Colliery Company Pvt. Ltd., vide Annexure-C(i), were entitled to incentive/production bonus at 1/6th of their basic wages earned in a year under an agreement. Those employees are, therefore, entitled to claim that, that amount should be considered for finding out their total emoluments for their fixation.

7. The Maharashtra Pradesh Rashtriya Kowala Khadan Kamgar Sangh (INTUC), Nagpur (for brevity Kamgar Sangh) filed a separate statement of claim in respect of the remaining 3 employees Messrs N. D. Purohit, S. S. Vyas and B. V. Aradhye. It is pointed out that these 3 employees were working with Ballarpur Collieries Company. Head Office Nagpur till 30-4-1973. The services of these three employees alongwith others were taken over by the CMA with effect from 1-5-1973 under the Nationalisation Act. Under Section 14(1) of the Act, these employees are entitled to the protection in the matter of their remuneration and conditions of service. It is also a generally accepted principle that after transfer of the management, with continuity of service of the employees, the conditions of service of the employees after their transfer are not to be adversely affected. These employees were getting in the Ballarpur Collieries Co., basic wages, V.D.A. and Attendance Bonus. They were also getting early increments in their basic wages but some of their service conditions were not on par with the field workers in pursuance of the Central Wage Board Recommendations. The benefits as fixed by that Wage Board were made applicable to these 3 employees in the matter of wages.

8. It is submitted that these 3 employees were given letters by the CMA in March, 1974 in the matter of fixation of their wages etc. As per this offer these 3 employees were placed in different pay scales with effect from 1-5-1973 with other fringe benefits and conditions of service. These letters were letters of option for being accepted by these 3 employees and the pay scales, fixation of their wages and other fringe benefits were to be made applicable after these 3 employees gave their consent to the offer. Since the fixation etc. done in respect of these 3 employees was to their detriment and adversely affected their wages and other conditions of service, these three employees refused to give their consent.

9. The Kamgar Sangh has separately dealt with the cases of these 3 employees. As regards Shri N. D. Purohit, it is pointed out that since February 1959 he was in the

employment of Ballarpur Collieries Company as a Store Clerk. His wages as on 30-4-1973 were as under :-

Basic Pay	Rs. 465.00
V.D.A.	Rs. 65.00
Attendance Bonus	Rs. 46.50
Total	Rs. 576.50

The V.D.A. and Attendance Bonus paid to Shri Purohit was on the name basis and principle on which it was being paid to the field workers as per the Central Wage Board Recommendations. It is also emphasised that Shri Purohit was paid V.D.A. for the whole month as per the formula recommended by the Central Wage Board Award of 1967. As per the letter of fixation and option given to Shri Purohit the management has put him in the grade of Senior Clerk with pay scale of Rs. 305—505 and the fixation is done as under with effect from 1-5-1973.

Basic Pay	Rs. 350.00
Personal Pay	Rs. 42.00
V.D.A.	Rs. 67.86
Attendance Bonus	Rs. 39.20
H.R.A.	Rs. 78.40
Total	Rs. 577.46

Thus the basic pay is brought down to Rs. 350/- from the old basic Rs. 465. The V.D.A. offered is on the basis of 26 days instead of all the days in a month. The amount of Attendance Bonus is reduced because it is payable on the basic wages, which has been reduced as shown above. The House Rent Allowance Rs. 78.40 is being offered on the basis of the conditions of service of all the employees of CMA, as declared by letter dated 8-2-1974, which is at 20 per cent of the Basic Pay. However, by the above fixation what is actually done is that part of the employee's old Basic Pay is taken out and it is being offered in the name of H.R.A. This reduction in the Basic Pay has affected his Attendance Bonus and is also deprived of conditions of service of getting H.R.A. separately on the basis of his Basic Pay. There is also adverse effect on the fringe benefits such as Provident Fund, Statutory Bonus and Gratuity. The Personal Pay which is offered is of little use to employee because on his fixation of Basic Wages of Rs. 350/- he is deprived of higher rate of yearly increment. This personal pay is to be merged or adjusted at the time of promotion, thus depriving him of the benefit of fitment after promotion. The offer also does not give Shri Purohit any additional increment on the basis of his past service. It is pointed out that other employees of the Party No. 1 were given the benefit of past service prior to 30-4-1973 and for the past service they were given the benefit of service increment at the time of fitment with effect from 1-5-1973 by giving them one additional increment for service of more than 3 years, two increments for service of more than 6 years and three increments for service of more than 9 years. This benefit of service increment is denied to Shri Purohit. As a matter of fact the fixation should have been done as under.

Basic Pay	Rs. 465.00
V.D.A.	Rs. 79.60
Attendance Bonus	Rs. 46.50
H.R.A.	Rs. 93.00
Total	Rs. 684.10

It is pointed out that in addition to the protection of basic wages of Rs. 465 Shri Purohit is also entitled to be given maximum 3 service increments in the pay scale of Rs. 305—505 or Rs. 405—730 because his length of service prior to the taking over was of 9 years.

10. As regards Shri S. S. Vyas, it is pointed out that he joined service in the Ballarpur Collieries Company as a Store Clerk on 1-5-1964. He was being paid as under on 30-4-1973.

Basic Pay	Rs. 365.00
V.D.A.	Rs. 65.00
Attendance Bonus	Rs. 36.50
Total	Rs. 466.50

As per the offer made by the party no. 1, his fixation is done as a Grade-I Clerk in the pay scale of Rs. 245—385 as under :

Basic Pay	Rs. 275.00
Personal Pay	Rs. 32.00
V.D.A.	Rs. 67.86
Attendance Bonus	Rs. 30.70
H.R.A.	Rs. 61.40
Total	Rs. 466.96

It is submitted that Shri Vyas should have been given the Grade of a Senior Clerk because the nature of his duties were similar to other Store Clerks who are offered the grade of Senior Clerk. His fixation should have been done as under :—

Basic Pay	Rs. 365.00
V.D.A.	Rs. 79.60
Attendance Bonus	Rs. 36.50
H.R.A.	Rs. 73.00
Total	Rs. 554.10

In addition, 3 service increments in the scale of senior Clerk should have also been added in the Basic Wages towards service increments.

11. As regards Shri B. V. Aradhye, it is pointed out that his date of appointment in the Ballarpur Collieries Company is 16-8-40 and he was working as a Stone Clerk. As on 30-4-1973 he was getting the following wages.

Basic Pay	Rs. 440.00
V.D.A.	Rs. 65.00
Attendance Bonus	Rs. 44.00
Total	Rs. 549.00

He was offered the grade of Senior Clerk in the pay scale of Rs. 305—505 and the fixation was done as under by the party no. 1.

Basic Pay	Rs. 350.00
Personal Pay	Rs. 21.00
V.D.A.	Rs. 67.85
Attendance Bonus	Rs. 37.10
H.R.A.	Rs. 74.20
Total	Rs. 550.16

In fact, he should have been placed in the scale of Rs. 405—730 and the fixation should have been done as under :—

Basic Pay	Rs. 445.00
V.D.A.	Rs. 70.60
Attendance Bonus	Rs. 44.50
H.R.A.	Rs. 89.00
Total	Rs. 658.10

12. It is submitted that the fixation offered by the party no. 1 is not only unjust and improper but is also contrary to the well accepted principles regarding fixation and fitment. As per the universally accepted principles, at the time of re-fixation there cannot be any reduction in the Basic Pay which has to be protected. So also at the time of fitment and re-fixation, employees are to be given the benefit of their past service by giving them service increments. This has been done by party no. 1 in respect of other employees. Since the offer made was not legal and proper, these 3 employees were quite justified in refusing the offer. At present they are being paid their old total wages as on 30-4-1973 plus ad-hoc increase to be adjusted after final adjudication of this dispute. Because offers were

not accepted these 3 employees were also deprived of the higher categories as also promotions in the upper grade. This has also resulted in junior employees getting promotions and higher pay. It is submitted that the submissions regarding proper fixation are made having regard to the position of different pay scales as on 1-5-1973. The pay scales then existing are revised in the year 1975 and, therefore, all the 3 employees will be entitled to all the benefits of the revised pay scale with effect from 1-1-75. It is also submitted that matters regarding promotion to the higher grades should also be taken into consideration with retrospective effect, as if the fixation as demanded was brought into effect from 1-5-1973. Otherwise junior employees, who are already promoted vis-a-vis these 3 employees, will be getting more wages or their grades will be higher than these 3 employees. It was, therefore, prayed that it may be declared that the offer made by the first party for fixation of pay with effect from 1-5-1973, in respect of these 3 employees is not justified. The first party should be directed to make the fixation of these 3 employees having regard to the aforesaid submissions.

13. The party no. 1 (WCL) filed separate written statement in reply to the statement of claim filed by the two Unions. However, the defence put forth is more or less common and so, it may be convenient to deal jointly with both the written statements. It is pointed out that on promulgation of the Nationalisation Act all the Coal Mines were taken by the Central Government from the appointed day (1-5-1973). Accordingly the said Coal Mines and its business was taken over by the then CMA, having its registered office at Calcutta. This Authority was subsequently converted to CIL which is the Holding Company. The WCL is a Subsidiary Company of the CIL which manages and administers the business in the State of Maharashtra, Madhya Pradesh and part of Orissa. It is further pointed out that after the Mines were taken over, the workmen employed at the Coal offices or at the Head Offices were absorbed by the Company in accordance with the provisions contained in the Nationalisation Act. Due care was taken to see that none of the workmen whose services were absorbed consequent upon nationalisation of Mines were adversely affected in the matter of remuneration which they were drawing with the erstwhile Coal Companies. With this end in view, norms were fixed by the CMA Ltd. by the end of 1973 and letters of option were issued to the taken over staff at Nagpur Head Quarters Offices in 1974. Subsequently the Unions at Calcutta also accepted the same norms, having signed a settlement before the Conciliation Officer. This only indicates that the norms fixed and also ratified were reasonably fair and proper. In the settlement arrived at Calcutta it was agreed that cases of individual workman would be regulated in terms of the norms as initially fixed by the MA Limited. In that settlement it was also agreed that those who did not opt for the Coal Wage Board Scales of Pay fixed in accordance with the norms stipulated therein to be continued in service on the terms and conditions which have been enjoyed with their erstwhile Coal Companies in accordance with the provisions of Section 14(1) of the Nationalisation Act.

14. It is further submitted that the Company having formulated the basis for the fitment of workers uniformly applied the same norms to the staff taken over in the manner stated above. Adopting the same norms, the workmen were given their fitment and the scales depending upon the qualifications, experience etc. Offers were made to individual workmen to accept the pay scales by fitment and service conditions unconditionally. Excepting the 13 workmen, involved in this reference, all of them numbering about 131 accepted the offer. It is emphasised that the basis for their pay scales, fitment and service conditions was the same as offered to the 13 workmen involved in this reference. However, these 13 workmen refused to accept the option given to them and as a result, they continued to draw their remuneration as was in existence with the erstwhile Coal Companies where they were employed. Despite this fact benefits have been conferred even on these employees from time to time when additional benefits were declared for all the employees. Even notional increments were granted to these 13 workmen. It was not, therefore, necessary for them to create an industrial dispute. Suffice it to mention that their continuance in service on the same terms and conditions consequent upon nationalisation of the Coal Mines is less beneficial to the offer made by the

Company in the matter of pay scales, fitment and other service conditions.

15. With reference to the terms of the Arbitration Agreement it is pointed out that this Arbitrator is called upon to adjudicate upon the justification of the offer made by the management. This justification has to be arrived at in the light of the principles in the matter of fitment made at Calcutta and also for the Nagpur employees who had accepted the offer. No discrimination should be allowed to be perpetuated while adjudicating upon this dispute. In this connection it is pointed out that the very same norms have been adopted not only at Calcutta and Nagpur but also in the other Subsidiaries of the Holding Company CIL. Those workmen who were averse to accepting the option are continued on the same salaries as were in existence between such workmen and their erstwhile Coal Companies. Therefore, the issue involved in this Reference narrows down considerably to find out or adjudicate upon the justification of the principles adopted by the WCL or in the alternative, the workmen should be paid the same remuneration which they were drawing with their erstwhile Coal Companies. It is emphasised that in no case a third principle can be evolved which would create a lot of discrimination against the workmen who have accepted the offers. It is further pointed out that applying the test of industry-cum-region in no circumstance adjudication should exceed the scope and limits of the Reference so as to cause undue discrimination between the workmen themselves either in the WCL or in the Subsidiaries of the Holding Company CIL or the workmen employed in the Head Office of the CIL at Calcutta. The contention, therefore, made by the 2 Unions to fix them on special grades giving them special benefits cannot be considered.

16. It was further submitted by the first party that altering the norms after a lapse of 7 years would be tantamount to giving additional special benefits to the employees merely because they have not accepted the offer made by the management. It would be a tremendous task, leave apart the financial liability, to equate others on par with these employees. It is pointed out that the party no. 1 has no objection if the 13 non-optees involved in this Reference prefer to draw remuneration similar to the one they were drawing with their erstwhile Coal Companies. It is submitted that the erstwhile Coal Companies in India had different standards for payment of remuneration to their workmen and Calcutta was no exception thereto. Many people at Calcutta have been transferred to the Subsidiary at Nagpur. It is denied that the settlement made at Calcutta is not relevant because most of the staff was getting other benefits. It is pointed out that uniform principle has been adopted for all the employees and there is no reason why the Calcutta agreement should not be considered for what it is worth. It is pointed out that the workmen have been informed about the manner in which the principle for fixation of pay scale, fitment etc. was adopted. They cannot plead ignorance at this stage when in fact, negotiations have been going on elaborately for years together. They have understood the principles and the manner in which the same have been applied not only to them but to the other workers employed in the Subsidiary. While adopting the principle the employees' seniority, qualifications, pay etc., have been taken into consideration. It is denied that the right to promotion was left to the merely of the employer without caring to the seniority experience etc. The management asserts that uniform principles were adopted and where workmen were not satisfied they were also called before the Selection Committee and necessary changes were also made on satisfaction. It is pointed out that out of the 10 employees represented by the Association, 4 employees, namely, Messrs. Shevade, Joshi, Bapat and Pathak were also called by the Selection Committee but they refused to even appear before that Committee. There are instances where some other workmen appeared before the Committee and they have been fixed properly after judging their merits. The bona fides of the management are, therefore, crystal clear. The above-named 4 employees are now debarred from raising any dispute.

17. As regards Annexure A attached to the statement of claim of the Association, it is submitted that it is erroneous and does not disclose the correct fact. It is emphatically

denied that the management had indulged in favouritism or discrimination as indicated in Annexure A. In this connection it is explained that the 3 persons, referred to in Annexure A, are not covered by the norms fixed as they were belonged to the Sales cadre. After carefully considering their bio-data they were properly fixed in appropriate grades in the Sales Cadre. The norms are applicable to the clerical staff including Typist and Stenographer and it is emphasised that the Sales Cadre is excluded therefrom.

18. It is pointed out that the workmen involved in this Reference have been fixed in the Wage Board Scales of pay keeping in view the norms fixed and other benefits are also adjusted therein. The same is the position with respect to the optees. Care was taken to see that while fixing the workmen in the pay scales or giving them fitment and other benefits of V.D.A., Attendance Bonus, H.R.A., Personal Pay etc., the total remuneration would not be less than what workman was getting prior to nationalisation from his erstwhile Coal Company. Adjustment/allocation was made on the basis of specific norms fixed by the CMA and adopted at other places also. It is denied that any of the workmen was adversely affected in so far as his total remuneration is concerned. Additional monetary benefits were conferred in the form of pay scales which they would receive in future. The personal pay was also included for the purpose of calculating Bonus, H.R.A., etc. In terms of Section 14(1) ibid the management have not offered to any workmen less remuneration than what he was getting prior to nationalisation.

19. It is denied that the party No. 1 can be directed to equate the posts alleged to have been held by the 10 employees with the existing posts in the Company. The so called equation which these employees now desire cannot be done in view of the scope and ambit of the Reference. It is also pointed out that in the absence of any date before the Court in the matter of actual work done by the 10 workers in their erstwhile Coal Companies it would not be possible to consider their claim for equation of posts. It is admitted that the grades were given commensurate with the scale of pay to which the workmen became eligible as per norms. It is the submission of the Company that due care was taken while fixing the norms to designate the person appropriately and the nature of work performed by him which certainly includes responsibility. It is, therefore, submitted that the designations have been given properly considering the nature of duties and responsibility and other factors like seniority etc. It is denied that notional house rent should be taken into consideration merely because such a facility was not available to the workmen prior to nationalisation for the purpose of equating the remuneration including the H.R.A. The Company has not violated any provisions of the Nationalisation Act. It seems that the employees desire that the remuneration should be so fixed as to exclude H.R.A. which should be separately paid after equating it with notional rent. This cannot be done. As regards Annexure B annexed to the statement of claim of the Association, it is submitted that it cannot be accepted. It is not necessary that basic wages must be what is stipulated in the scale. No direction can be given to the management on the basis of the demands made by the Association in Annexure B.

20. The party No. 1 has denied that V.D.A. was paid to the staff of the Ballarpur Collieries Company at Nagpur on the basis of the Wage Board Recommendations. As regards Shri Acharya, one of the 10 non-optees, it is pointed out that he has made improvements from time to time. He has exaggerated his claims, now when it is examined in the light of the bio-data furnished by him. There are lot of discrepancies between the two in the matter of wage scale, payment of increment, bonus etc. The Association has filed very many schedules alongwith the statement of claim. These schedules do not give the correct picture in several respects. The Company would file its own charts and schedules to justify that the offer made in the matter of fitment, wage scale and other service conditions was fair and reasonable.

21. As regards Messrs. Purohit, Vyas and Arudhye represented by the Kamgar Sangh, it is admitted by the management that they belonged to Ballarpur Collieries Company at Nagpur before nationalisation. They were getting basic Wages, V.D.A., Attendance Bonus etc. But it is denied that they were getting yearly increments in the

basic wages or that they were fitted in any scale by the erstwhile Company. This would be apparent from the bio-data furnished by these employees. In terms of the norms all the employees including these 3 were placed in different pay scales of the Coal Wage Board Recommendations. Accordingly letters of option were served on all the employees including these 3. While doing so it was the intention of the management to fix the employees in appropriate pay scales with fitment and hence this was done in uniform basis. While doing so other fringe benefits were also taken into consideration. It is denied that the fixation in respect of these 3 employees was to the prejudice and adversely affected their service conditions. It is admitted that these three workmen had not accepted the option and so, they are continuing to get the remuneration equivalent to that which they received from the erstwhile Companies before nationalisation. As regards Shri N. D. Purohit, it is submitted that he was working as a Clerk in the erstwhile Company and not as a Store Clerk. It may be that he was working in the Stores. The total remuneration drawn by him on 30-4-1973 was Rs. 576-50. It is denied that V.D.A. and Attendance Bonus was paid on the same basis and principle as was being paid to the field workers based on Coal Wage Board Recommendations. The management having adopted the said recommendations they have uniformly applied the same to all the workmen. In any case, the staff of Ballarpur Collieries were offered remuneration which was not less than what they were drawing prior to nationalisation, considering that V.D.A. was paid at the rate mentioned by the said employee. Shri Purohit was fixed in the grade of Senior Clerk with the pay scale of Rs. 305-505. This was done on the basis of the norms adopted by the party No. 1. Accordingly his total remuneration was protected by way of fixation, fitment, V.D.A. and other fringe benefits. The total remuneration offered was Rs. 577-46. In the adjustment so made the employee was fixed in the starting of the scale and considering his length of service he was given 3 increments and hence, the Basic Pay was fixed at Rs. 350/-. V.D.A. was fixed on the basis of the Recommendations of the Coal Wage Board as was done uniformly in the cases of all other employees. The Attendance Bonus is also paid at the rate of 10 per cent of the Basic Wages as fixed. The House Rent Allowance was also adjusted in the total remuneration which benefit was not being enjoyed by the said employee in the erstwhile Coal Company. Thus the total remuneration which was offered to him was not less than what he was receiving with the erstwhile Coal Company. He was, therefore, fully protected in the matter of wage structure/remuneration though there may be fluctuations under different items. The H.R.A. was also to be adjusted in the total remuneration as was done in respect of other employees working in the WCL. It is denied that the fixation was made to deprive the said employee of any benefits much less the yearly increment. The difference is paid by way of Personal Pay as was done with other employees. The Personal Pay was to be adjusted against promotion and not against increments. In short, Shri Purohit has been fixed in the Wage Board Scale of Pay keeping in view the norms fixed and also the adjustment required to be made for the purpose of additional benefit granted to him. Shri Purohit could not be fixed in the higher grade with the total remuneration Rs. 648-10. The cases of Shri Vyas and Shri Aradhye are quite similar to that of Shri Purohit and their fitment was also made on the basis of the norms uniformly applied to all the employees. The claim made by them for fixation at a higher sum is unjustified and cannot be allowed. These 3 employees cannot be selected and chosen for grant of additional benefits as against others who have already accepted the offers. Apart from creating discrimination, it would also violate the principles of natural justice and the accepted principle of industry-cum-region. It is denied that these 3 employees would be adversely affected in the matter of payment of Provident Fund, Gratuity etc. It is pointed out that although these 3 employees have not accepted the offer and they are continued on the remuneration which was in existence prior to the nationalisation, the management has nevertheless given them rational increments, ad-hoc increase in wages, medical cash grant etc. That would indicate the bona fides of the management. The matter of promotion cannot be examined in this Reference, because it falls outside the scope and ambit of the Reference. However, incidentally, it is pointed out that an offer of promotion was made to Shri Vyas but it was declined by him.

22. In this case the first party has examined one witness and the second party has examined three witnesses in support

of their respective contentions. Both parties have also filed a large number of documents having a bearing on the controversy involved in this proceeding.

23. It is not disputed that on the promulgation of the Nationalisation Act, 1973, all the Coal Mines were taken over by the Central Government from the appointed day, namely, 1-5-1973. Accordingly, the said Coal Mines and its business was taken over by the then Coal Mines Authority having its registered office at Calcutta. This Authority was subsequently converted into Coal India Limited which is the Holding Company. The Western Coalfields is a Subsidiary Company of the CIL which manages and administers the business in the State of Maharashtra, Madhya Pradesh and part of Orissa. The WCL has its headquarters at Nagpur. After the Mines were taken over, the workmen employed at the Coal Offices or at the Head Offices were absorbed by the Company in accordance with the provisions contained in the Nationalisation Act, 1973.

24. Now, Chapter V of the Act contains provisions relating to employees of Coal Mines. Section 14 provides for the continuance of the employment of certain employees. It may be relevant to reproduce Subsection (1) of Section 14 *ibid*.

"S. 14(1)—Every person who is a workman within the meaning of the Industrial Disputes Act, 1947, and has been, immediately before the appointed day, in the employment of a coal mine shall become on and from the appointed day, an employee of the Central Government or, as the case may be, of the Government Company in which the right, title and interest of such mine have vested under this Act, and shall hold office or service in the coal mine with the same rights to pension, gratuity and other matters as would have been admissible to him if the rights in relation to such coal mine had not been transferred to, and vested in, the Central Government or the Government Company, as the case may be, and continue to do so unless and until his employment in such coal mine is duly terminated or until his remuneration, terms and conditions of employment are duly altered by the Central Government or the Government Company."

25. It would, therefore, appear that Section 14(1) guarantees continuity of service of the employees belonging to erstwhile Coal Companies as also their rights to pension, gratuity and other matters. In other words, their terms and conditions of service with the erstwhile employers prior to the appointed day, are fully protected, until their remuneration, terms and conditions of employment are duly altered by the Central Government or the Government Company. Shri Patel, the learned Advocate for the first party, placed special emphasis on the term "remuneration". It was submitted by him that what is protected is total remuneration and not the components or elements which go to make up the total remuneration. It was submitted by Shri Patel that remuneration cannot be equated with wages because remuneration is a term of wider amplitude taking in its sweep not only wages but allowances and other monetary benefits. On the other hand, it was submitted by Shri Kimmattkar that Section 14(1) guarantees protection not only of the total remuneration but also the various components of remuneration, such as basic wage, V.D.A., attendance bonus etc. Having regard to the terminology used in Section 14(1) I am inclined to accept the submission of Shri Patel. However, the matter does not end there. It is also necessary to interpret in its proper perspective the last clause of Section 14(1), namely, "until his remuneration, terms and conditions of employment are duly altered by the Central Government or the Government Company (underlining supplied). Now, in the Concise Oxford Dictionary 'duly' is shown as meaning 'rightly, properly, fitly, sufficiently, punctually'. It was submitted by Shri Kimmattkar that the remuneration, terms and conditions of employment of the erstwhile employees cannot be altered unilaterally and arbitrarily but the same must be altered fairly, properly and in an equitable manner. I am inclined to agree. It seems that the first party has paid only lip service to the provisions of Section 14(1) *ibid*. The main thrust of the agreements advanced by Shri Pradhan and Shri Kimmattkar is that the norms prescribed by the first party for fixation of the employees of the erstwhile Companies in the Wage Board Scales of Pay with effect from 1-5-1973, are such that they cannot be held as fair, reasonable or proper having regard to the totality of the facts and circumstances of the case. I shall presently show that there is much force in this submission.

26. It was submitted by Shri Patel that the controversy involved in this reference is of a narrow compass. It is urged that the first party had made an offer to these 13 non-optees in the matter of fixation of their emoluments in the Wage Board Scales with effect from 1-5-1973, as per the norms uniformly applied to all the employees. It is said that an option was offered to these employees either to choose the Wage Board Scales as per the norms or retain the emoluments which they were drawing as employees of the erstwhile Companies prior to the appointed day. It was argued by Shri Patel that it is not at all open to this Tribunal to evolve any third principle or formula for the fitment of these 13 non-optees in the Wage Board Scales of Pay with effect from 1-5-1973. It is argued that if such a course is followed by this Tribunal that would amount to discriminating against other workmen in the WCL or the Holding Company CIL, as also other Subsidiaries. I have given due consideration to this argument advanced by Shri Patel, but I find myself unable to accept this submission which demonstrably runs counter to the terms of reference. It may be noted that both parties have jointly made this reference under Section 10-A of the Industrial Disputes Act, 1947 for arbitration of the dispute and in the terms of reference the arbitration is called upon to adjudicate whether the offer made by the first party to these 13 non-optees for fixation of pay with effect from 1-5-1973 is justified. The matter does not end there. If this Tribunal were to hold that it is unjustified then it has also powers to provide the necessary relief. If the argument of Shri Patel is accepted then there was indeed no need to make a reference because these 13 non-optees, who have spurned the offer, would continue to enjoy the emoluments which they were drawing from their erstwhile employers prior to the appointed day. If Shri Patel's argument is accepted then the making of this reference for arbitration to this Tribunal would indeed be an acrimonious exercise in futility. I find that the terms of reference have a wide sweep and in order to find out whether the offer made by the first party was justified or not, it will have to be investigated whether the offer is fair, proper and reasonable. If it is held that it is unjustified, then this Tribunal will have to formulate proper and adequate relief for these 13 non-optees.

27. The first party (WCL) has examined Shri Bhandari, who is working as Deputy Chief Personnel Manager of the Company. He has stated that at the time of the take over of the Coal Mines there were 2 types of non-executive employees : (i) those were already drawing pay and allowances as per the Coal Wage Board, and (ii) those who were not drawing pay and allowances as per the Coal Wage Board. The second category mostly comprised employees at the Headquarters of the taken over Companies such as Nagpur, Calcutta, Bombay etc. It has to be noted that the reference is confined to the 13 non-optees, forming part of the Head Quarters taken over staff. It is not disputed that the Recommendations of the Central Wage Board for the Coal Mining Industry, 1967 (for brevity Coal Wage Board) were made applicable to the field workers as well as the NCDC employees, but the said recommendations were not made applicable to the Headquarters staff of the erstwhile Coal Companies.

28. Shri Bhandari goes on to state that in the erstwhile Coal Companies at the Headquarters there was no uniform wage structure. Pay and allowances varied from Company to Company. The Headquarters staff of some of the Companies had not even the incremental wage scale and the granting of periodical increments to them was entirely at the whims and discretion of the then existing Companies. It was rightly pointed out by Shri Patel that it was a stupendous, nay a herculean task, to bring about uniformity in the service conditions of such employees. Shri Bhandari says that the Management, therefore, decided to fix norms for fixation of the Headquarters taken over staff in the Wage Board's Scales of Pay so as to bring about harmony and uniformity in the industry. It appears from the evidence of Shri Bhandari that the decision to formulate such norms was taken in the month of November, 1973, vide Exh. C-6. Shri Bhandari says that the Apex Office of the CMA Ltd., Calcutta prepared such norms, vide Exh. C-34. These norms were circulated in the various divisions of the Company. It is said that these norms were based on the educational qualifications, length of service, experience and also the remuneration drawn by the Headquarters staff in the erstwhile companies as on the date of Nationalisation. Shri Bhandari says that for senior positions of Assistant Office Superintendent, Office Superintendent and Senior P.As a provision was made that their fixation was subject to suitability. Shri Bhandari emphasises that these norms were uniformly applied to all the employees. The

first party was not in possession of the bio-data with respect to these employees. The Management, therefore, attempted to secure the bio-data from the erstwhile Companies and also collected the bio-data directly from the employees. Exh. C-7 to C-15 are the bio-datas of the 9 out of these 13 non-optees. Shri Bhandari says that at the time of nationalisation there were about 140 employees at the Nagpur Headquarters and the bio-data was called with respect to all of them. After the receipt of the bio-data, the Management scrutinised and sorted out the particulars and worked out the fixation in the Wage Board's Scales as per the norms Exh. C-34.

29. Shri Bhandari goes on to state that the Union at Calcutta had raised an industrial dispute with regard to the fixation of such staff under the Wage Board's Scales of Pay with effect from 1-5-1973. The dispute was admitted in conciliation and the representatives of the Management and those of the workmen signed a Settlement dated 5-4-1974, Exh. C-35, in the presence of the Conciliation Officer. The Calcutta Agreement Exh. C-35, has three Annexures attached to it and the norms Exh. C-34, referred to above, constitutes Annexure 'A'. Annexure 'B' to that Settlement is in the matter of fringe benefits and Annexure 'C' is the table for fixation in the Wage Board's Scales of Pay of subordinate staff and Drivers taken over from the Head Offices of the Coal Companies. It is, therefore, emphasised by Shri Bhandari that the norms, Exh. C-34, which were earlier circulated by the CMA Limited, Calcutta were accepted by the Union at Calcutta. It is also pointed out that there was no obligation on the employees to accept the norms as per the Settlement. An option was given to them and vide Clause 5 of the Settlement, Exh. C-35, it was provided that the employees who do not opt for either the Wage Board's Scales of Pay or the pay scales evolved by the Wage Negotiations Committee, shall continue on the terms and conditions of service which they were enjoying in their erstwhile Coal Companies, as per the provisions of Section 14(1) of the Rationalisation Act, 1973. Shri Bhandari says that the WCL, Nagpur had also received from the Apex Office a circular dated 9-2-1974, Exh. C-36, containing instructions as to how the pay should be fixed of the taken over employees in the Wage Board's Scales of Pay as per the norms Exh. C-34. For clarity an illustration is also given. Shri Bhandari says that the Nagpur Office then worked out the fixation of all such employees and issued option letters in phases to the employees. These option letters contained the proposed scales of pay and also the details of the allowances and other conditions of fixation. Exh. C-16 to C-28 are the copies of the option letters in respect of these 13 non-optees. It may be noted that to each option letter Annexure 'A' was enclosed and that Annexure is Exh. C-37 headed "Fringe Benefits/Conditions of Service". Shri Bhandari has deposed that excepting these 13 non-optees all other employees at Nagpur had accepted the offer made as per the option letters as stated above. Exh. C-38 and C-39 are the lists of the employees who had accepted the fixation and these lists also include the names of the 13 non-optees. It may be noted that about 10-12 persons including the non-optee Shri Acharya, were transferred from Calcutta to Nagpur and the fixation of such employees was also made along the same lines.

30. It was faintly submitted by Shri Pradhan that the norms, Exh. C-34, were not attached to the option letters received by the non-optees and so, they were absolutely in the dark as regards the mode and implications of the fixation or fitment in the Wage Board's Scales of Pay as proposed by the Management. In my opinion this contention has to be stated only for being rejected. It has come in the evidence of Shri Bhandari that the contents of Exh. C-34 read with Exh. C-36, were made known to the employees as also the Union representatives in the course of discussions held from time to time at various stages. It is, therefore, too late in the day to say, it is indeed a far cry to assert, that the non-optees involved in this reference were not in a position to exercise proper option in the absence of necessary information as regards the norms and mode of fixation.

31. It is repeatedly emphasised by Shri Bhandari in his deposition that the norms were uniformly applied to all the employees without exception. It is pointed out that there was no deviation or departure made from the norms so as to bestow special favour on any individual employee or section of employees. The Management had not made any discrimination with regard to the application of the norms and due credit must be given to the first party for adopting such a fair and impartial attitude in the matter of application of norms. In this connection Shri Patel invited my attention to the admission made by Shri Bapat, one of the non-optees,

examined by the second party in paragraph 18 of his deposition. Shri Bapat has fairly admitted that the Management had not made any discrimination in the matter of fixation or fitment in the Wage Board's Scales of Pay between the optees and the non-optees and the norms were uniformly adopted for all.

32. However, the Association has, in Annexure 'A' attached to the statement of claim, cited cases of favouritism. It was faintly submitted by Shri Pradhan, the learned Advocate representing the Association, that the Management had given special consideration to the three employees M/s. S. P. Shah, M. M. Atre and A. K. Mitra. As pointed out by Shri Patel, this submission stems from a misconception which is quite apparent on the face of the record. It has to be noted that the norms Exh. C-34, were applicable only to the Ministerial Cadre including Peons and Drivers. The norms were not applicable to the Executive Cadre as well as the Sales Cadre. Shri Bhandari has, in his deposition, thrown a flood of light on this aspect of the matter. He says that Messrs Mitra, Shah and Atre belonged to the Sales Cadre and not the Ministerial Cadre, so these norms were not applicable to them. However, through inadvertence one of these persons was fixed in the Wage Board's Scales of Pay as per the norms, but his fitment was subsequently revised on due consideration of the documentary evidence and he was placed in the scale of the Sales Cadre. In this connection Shri Bhandari has referred to the office orders Exh. C-56, C-57 and C-58 with respect to those 3 Sales personnel. So, that matter need not detain us any further.

33. According to the terms of reference the Tribunal has to take into consideration the principles adopted in the matter of fitment of taken over employees of the erstwhile Coal Companies at Calcutta in the Wage Board's Scales of Pay. I have already referred to the Calcutta Settlement at Exh. C-35. It was highlighted by Shri Patel that the Calcutta Settlement, Exh. M-35 is a very valuable document which would go to show that even the Unions there, were satisfied about the reasonableness of the norms proposed by the Management and they had unequivocally accepted those norms. In reply it was pointed out by Shri Kimmattkar that the Settlement Exh. C-35, was reached at Calcutta as a result of collective bargaining, but at Nagpur the WCL has unilaterally decided to enforce the same norms without taking into confidence the workers affected, or the representatives. I do not find much merit in this submission. However, there is one important point made by Shri Kimmattkar in the course of his arguments. It is submitted by him that there is no sufficient data available on record to indicate what were the terms and conditions of service of the Calcutta Head Quarters staff of the erstwhile Companies and what impact the Settlement had on their fitment/adjustment in the Wage Board's Scales of Pay. It is submitted that the results of implementation of the Settlement Exh. C-35, at Calcutta are not known or disclosed and it is anyone's guess whether the employees affected were the losers like the 13 non-optees involved in this reference. It is submitted that the second party had called upon the first party to produce on record the bio-data and other documents having a bearing on the implementation of the Settlement, Exh. C-35. But those documents are not produced and we are, therefore, made to probe in the dark as regards the consequences flowing from the implementation of the Settlement, Exh. C-35. In reply, it was pointed out by Shri Patel that it is not that every Head Quarter employee at Calcutta stood to gain from the norms and in this connection he invited my attention to the evidence given by Shri Bhandari that even at Calcutta some of the Head Quarters employees had declined to accept the norms and preferred to continue on the terms and conditions of service which they were enjoying in their erstwhile Coal Companies. Whatever that may be, simply because there was a Settlement, Exh. C-35, at Calcutta accepting the norms, Exh. C-34 it does not necessarily follow that the said norms are justified and so, they should be made applicable to the Head Quarters staff at Nagpur also. In my opinion, the norms Exh. C-34 read with Exh. C-36 will have to be carefully scanned and analysed in order to see whether the same bears judicial scrutiny. In other words, the norms will have to be examined on its own merits and it would not be a proper approach to adopt them blindly because at Calcutta the parties had reached a mutual Settlement at Exh. C-35.

34. As per the terms of reference, apart from the Calcutta Settlement the Tribunal is also called upon to take into consideration the additional monetary benefits secured by the employees of the WCI after their absorption consequent upon nationalisation of the Coal Mines. These additional monetary

benefits may be briefly set out:—Medical Benefits i.e. Medical Cash Grant, vide Exh. C-37, with effect from 1-5-1973; H.R.A. 20 per cent of the basic pay and Personal pay for the employees posted at Nagpur with effect from 1-5-1973; Quarterly Attendance Bonus at 10 per cent of the basic pay and personal pay with effect from 1-5-1973 as per the Coal Mines Bonus Scheme and Wage Board's Recommendations. It is pointed out by Shri Kimmattkar that this benefit was already being enjoyed by some of the employees and for them it cannot be regarded as an additional monetary benefit. In this connection, it is pointed out that the employees of Ballarpur Collieries Company as also the employees of DNCPH Colliery Company were already getting such Attendance Bonus at the said rate as per the Coal Wage Board's Recommendations, 1967; Rs. 39 per month as Interim Relief with effect from 15-11-1973 to 31st December, 1974. It was converted as Fixed Dearness Allowance with effect from 1-1-1975, as per the NCWA-I (National Coal Wage Agreement-I); revision of the pay scales with effect from 1-1-1975 as per NCWA-I; V.D.A. (Variable Dearness Allowance) at the rates prescribed by the Wage Board's Recommendations of 1967. It is pointed out by Shri Kimmattkar that as per the Wage Board's Recommendations majority of the employees were getting V.D.A. for 26 days a month, while the employees of the Ballarpur Collieries Company and N.C.D.C. employees were getting it for 30 days a month. Only a small fraction of employees were not getting V.D.A. and for them it was an additional benefit, introduction of the Wage Board's Scales with effect from 1-5-73 and securing annual increments in that scale; Return Railway Fare for home journey for self, once in a year, as per Wage Board's Recommendations with effect from 1-5-1973; Revision of the pay scales with effect from 1-1-1979 as per the NCWA-II; Minimum Fixation benefit of Rs. 73.90 while making fitment in that revised pay scale; Special D.A. at the rate of 1.795 per cent of the basic wage as per NCWA-II; C.C.A. 4.5 per cent of the basic pay; Leave Travel Concession for family once in 4 years. So, as per the terms of reference it is necessary to keep in mind these additional monetary benefits secured by the employees consequent upon nationalisation of the Mines.

35. It was submitted by Shri Patel that since these 13 employees had declined the offer made by the management for their fixation in the Wage Board's Scale of Pay with effect from 1-5-73, they were in law not entitled to any of these additional benefits. However, as a gesture of good-will the management has extended some of these benefits even to these 13 non-optees. In this connection Shri Patel invited my attention to the evidence given by Shri Bhandari, vide para 8 of his deposition. Shri Bhandari has stated that as far as these 13 non-optees are concerned, the management has allowed them certain benefits; such as notional increments, increase in V.D.A. as per the Wage Board's Recommendations, Medical Cash Grant on notional basis, and ad hoc increment of Rs. 104.52 per month with effect from 1-1-1975, subject to adjustment as and when these employees switch over to the Wage Board's scales. Shri Bapat has in para 6 of his deposition, admitted the receipt of such benefits from the management, notwithstanding the fact that these 13 employees had spurned the offer made by the management in the matter of their fitment in the Wage Board's Scales of Pay with effect from 1-5-1973, as per the norms Exh. C-34.

36. It was further submitted by Shri Patel that all-through the management has adopted a very considerate, sympathetic and human attitude towards the non-optees whose number at one time was 22 and has since then come down to 13. It is pointed out that the bio-data was called from the employees not once but 2-3 times in order to give them an opportunity to furnish full information. Shri Bhandari has stated that the norms, Exh. C-34, provided for holding interviews for testing the suitability of the candidates for certain responsible posts; such as Assistant Office Superintendent Office Superintendent etc. Shri Bhandari says that some of these 13 non-optees were interviewed for those posts. Shri Bhandari goes on to state that a Committee was formed in 1974 to interview the eligible persons prior to fixation. Some of the employees had represented that considering their educational qualifications, nature of work, responsibility attached to the posts, pay drawn etc., they should be placed in a higher grade and some of the employees claimed that they were in reality discharging the functions of executives before take over and so, they should be fitted as such. The management, therefore, decided to provide another opportunity to the employees to substantiate their claims. The Managing Director issued an office order dated 4-2-1976, Exh. U-5 in the matter of constituting a Committee for going into the details of the

fixation of pay for taken over staff who had not accepted the Wage Board's Scales of Pay and leave and other benefits enjoyed by them. It seems that this Committee had not submitted any recommendations. Shri Mahip Singh, General Manager, Head Quarters, who was a member of the Committee, issued a letter dated 15-4-1976. Exh. U-8. It was decided that a sub-committee consisting of 3 Officers Messrs Pathak, Bhole and Singh should be formed to review the cases of the 22 non-optees then existing keeping in view their qualifications, experience, post held etc. This sub-committee submitted its Recommendations, Exh. C-45, together with the Annexure indicating the fixation recommended. However, the Recommendations of the sub-committee were not accepted by the management for the reasons set out in Exh. C-46.

37. Shri Bhandari further says that this matter was further discussed and a High Level Committee was constituted in 1977 to interview some of the non-optees and to decide whether they could be considered for higher posts taking into account all the relevant consideration. This Committee popularly known as Screening Committee had called for interview in all 8 employees including Messrs Sheode, Pathak, Joshi and Bapat from amongst the 13 non-optees. Exh. C-48 is the report submitted by the Screening Committee and it shows that M/s. Sheode and Joshi failed to appear before the Screening Committee for the reasons best known to them. M/s. Bapat and Pathak did appear before the Committee but represented that they were not interested in the Executive Cadre post. The Committee recommended M/s. S. N. Joshi, Bhattad and Wadnerkar for Executive Post in their respective cadres. It is further pointed out by Shri Bhandari that initially Shri Mandagirikar, one of the 13 non-optees, was offered fixation as a Senior Stenographer in the Wage Board's Scale of Rs. 305—730. He made a representation and it was favourably considered by the management and he was given fixation as a Senior P.A. in the highest Wage Board's scale of Rs. 405—730. Even this was not accepted by him. vide Exh. C-59. It is emphasised that the management had decided to give effect to that scale right from 1-5-1973. As regards Shri Chourasiya, it is pointed out that initially the management had fixed him in lower grade as Grade-I Clerk, but on consideration of the matter he was given a Higher Grade of Senior Clerk in the Wage Board's Scale of Rs. 305—505. The offer was not acceptable to him. As regards Shri S. S. Vyas, it is pointed out that he was considered for promotion vide office order Exh. C-3, but naturally it was subject to his acceptance of the Wage Board's Scale, which were not accepted by him. Shri Bhandari says that some other employees were also considered for promotion, vide office order Exh. C-2. As regards Shri Acharya, it is pointed out that he came to Nagpur on transfer from Calcutta. He belonged to a different Company, namely Sarri Kiora Coal Mines Pvt. Ltd., Calcutta and so, his pay and allowances were quite different from his counter parts from Nagpur Head Office. It is said that he did not suffer any losses in emoluments in the matter of his fixation vis-a-vis the emoluments drawn by him prior to nationalisation from his erstwhile employer on his transfer to Nagpur he was also given the benefit of H.R.A. vide office order dated 22-1-1974, Exh. C-61.

38. Shri Patel took me through the aforesaid evidence given by Shri Bhandari, with a view to high-lighting the point that there are absolutely no mala fides on the part of the management, that the management has no animus against these 13 employees even though they have spurned the offer and that all through the management has displayed a generous and sympathetic attitude towards these employees. There is indeed considerable force in this argument. But in my opinion the question of bona fides is of not much relevance in this dispute. What is relevant is whether the management was justified in adopting and implementing the norms Exh. C-34, as done by them in respect of these 13 employees.

39. Before I turn to examine the norms, it may be convenient to deal with the controversy as regards the V.D.A. which was being paid to the employees of the Ballarpur Collieries Company prior to nationalisation. It was emphatically submitted by Shri Pradhan as well as Shri Kimmattkar that the employees of the Ballarpur Collieries Company were paid V.D.A. for 30 days a month and not 26 days a month. A grievance is made that as per the finding the management had offered such employees V.D.A. for 26 days a month. Shri Bhandari has admitted in his deposition that the management has no knowledge and material to show whether such employees were paid V.D.A. for 26 days or 30 days a month. On the other hand, Shri Bapat, one of the non-optees, be-

longing to the Ballarpur Collieries Company, has asserted in his evidence that the employees of that Company were being paid V.D.A. for 30 days a month. It was submitted by Shri Pradhan and Shri Kimmattkar that the uncontradicted testimony of Shri Bapat should be accepted in the absence of any evidence in rebuttal coming forward from the management. In my opinion, this matter cannot be decided merely on a word of month. Now, the formula and the method of calculation of the V.D.A. is to be found in para 27, page 54 of the Coal Wage Board's Recommendations, 1967. The second party has placed considerable reliance on Exh. U-9, purporting to be a copy of the letter dated 7-5-1974, addressed by the Managing Director of the Ballarpur Collieries Company to the first party. It is submitted that this letter fortifies the contention of the second party that the Head Office employees of the Ballarpur Collieries Company were being paid V.D.A. for 30 days a month. Shri Patel has challenged the authenticity of this letter and it is submitted that it is not proved that it has come from proper custody. I find considerable force in this submission of Shri Patel.

40. Shri Bapat has, in his evidence, tried to demonstrate as to how he came by a copy of this letter Exh. U-9. He says that the INTUC Union had raised a dispute with the management on this very issue, namely, payment of V.D.A. for 26 days or 30 days a month for the Head Office employees of the Ballarpur Collieries Company. The matter was admitted in conciliation. Shri Bapat says that in the conciliation proceedings the Union had filed a copy of this letter, Exh. U-9, and he obtained a copy of that copy from the Union. Shri Bapat did not care to make enquiries as to how the Union had secured custody of that letter which was addressed to the management direct without any copy being endorsed to the Union. It appears that the said conciliation proceedings ended in a failure and thereafter a reference was made by the State Government to the Industrial Tribunal at Nagpur and the reference was dismissed by the Tribunal, holding that the State Government was not the Appropriate Government to make the reference. It would, therefore, appear that the letter Exh. U-9 has not come from proper custody. It was urged by Shri Patel that in order to prove the authenticity and genuineness of the letter Exh. U-9, nothing could have prevented the party No. 2 from calling for the record of the conciliation proceedings which would have clinched the matter. It was submitted by Shri Pradhan and Shri Kimmattkar that in reply to a query made by the management, this reply was sent by the Managing Director of that Company and the first party is deliberately suppressing that letter because it is injurious to its interest. I do not find much merit in this contention. In paragraph 9 of his deposition Shri Bhandari has stated that representations were received from the employees of the Ballarpur Collieries Company as well as DNCPL Colliery Co. that they were drawing V.D.A. for 30 days a month. The management therefore, addressed a letter to both the companies, Exh. C-43, but drew a blank vide reply Exh. C-44 received from the latter Company if a reply had been received from the Ballarpur Collieries Co. in the ordinary course, the management would have placed it on record. In this case, in fairness to the first party, I must say that it is not playing a game of hide and seek and has placed all its cards on the table. In my opinion, therefore, it is an uncharitable criticism to say that the management has deliberately withheld the production of the original of Exh. U-9.

41. It was also pointed out by Shri Patel that there are inherent infirmities in Exh. U-9 and so, it would not be safe to place an implicit reliance on that document. In Exh. U-9 there are two separate columns made in respect of V.D.A. paid to the workers and staff members working at the collieries and the V.D.A. paid to the staff members working at the Head Office at Nagpur. It would appear that to the former class of employees V.D.A. was paid for 26 days as per Recommendations of the Coal Wage Board. As regards the V.D.A. paid to the Head Office staff, it may be noted that during the period 1-1-1968 to 30-12-1971 it was paid for 26 days a month. Exh. U-9 shows that from 1-1-1972 onwards, V.D.A. was being paid to them for 30 days a month. In his evidence Shri Bapat does not throw any light as to why from 1-1-1972 onwards the Company started paying V.D.A. for 4 days more. There is no explanation forthcoming as to why the management had shown this bounty towards the Head Office staff. Shri Bapat does not say that in this matter a demand was made by the Head Office staff and this concession was wrested from the management. It would appear from para 16 of the deposition of

Shri Bapat that there are very many errors in Exh. U-9. I need not advert to small errors but there are some broad features to which a reference should be made. Now, as per the formula recommended by the Wage Board for the payment of V.D.A., the rate is revised after every 6 months. So, normally there is bound to be variation in the rate of V.D.A. after every 6 months corresponding to the fluctuation in the consumer price index.

42. However, in Exh. U-9 we find that for the period of two years, 1-1-1968 to 31-12-1969 the rate of V.D.A. is 78 Paise per day. Again for the period of 2 years, 1-1-1970 to 30-12-1971 the rate is Rs. 1.17 per day. It is not the submission of the second party that the rate remained static for those period of 2 years. Again for the period 1-1-1972 to 30-9-1972 the rate is Rs. 1.35 per day and from 1-10-1972 onwards, it is Rs. 2.13 per day. When these short-comings and extraordinary features from Exh. U-9 were brought to the notice of Shri Bapat, in the cross-examination, he had to admit in para 16 that the information given in Exh. U-9 as regards V.D.A. does not reflect the statement made by him that there was a change after every 6 months. It may also be noted that in rounding up the fractions a uniform system has not been adopted. Rs. 20.28 is rounded up to Rs. 21.00; Rs. 30.42 is rounded up to Rs. 31.00; Rs. 40.50 is rounded up to Rs. 41.00 but Rs. 63.30 (correct figure being 63.90) is rounded up to Rs. 65.00. Shri Bapat admits that Rs. 63.90 should have been rounded up to Rs. 64.00 and not Rs. 65. He is not able to furnish any explanation why different mode of rounding up was adopted for the period 1-10-1972 onwards. Shri Bapat admits that the Company was in the matter of payment of V.D.A. following the Wage Board pattern and according to that pattern V.D.A. is payable for 26 days a month. In this connection Shri Patel invited my attention to the bio-data Exh. C-7 furnished by Shri Bapat, and other employees belonging to the erstwhile Ballarpur Collieries Company. It the bio-data everyone has shown the amount of Rs. 65 under the column D.A./V.D.A. It may be noted that almost every employee has added explanatory notes in the bio-data, but none has made a remark that V.D.A. was being paid for 30 days a month. Having regard to the bio-data furnished by those employees and the other material available on record, it was submitted by Shri Patel that it may be held that the Head Office employees of the Ballarpur Collieries Company were being paid V.D.A. for 26 days a month or at a fixed sum of Rs. 65. I am inclined to agree.

43. It was, however, submitted by Shri Pradhan and Shri Kimmatkar that the employees of the Ballarpur Collieries Company is not a solitary section which is claiming V.D.A. for 30 days a month. It is pointed out that, it is not disputed that the employees belonging to the former N.C.D.C. are also being paid V.D.A. for 30 days a month, but for that reasons are not far to seek. In para 17 of his deposition Shri Bapat has stated that N.C.D.C. became a Government Undertaking in 1956. Prior to 1967 the monthly rated employees of the N.C.D.C. were paid wages according to the Central Pay Commission's Scale. Shri Bapat has no knowledge about the quantum of rate of D.A. paid to such employees prior to 1967. He concedes the position that perhaps, those N.C.D.C. employees were getting D.A. for 30 days a month prior to 1967 and no. after 1967 also they were paid V.D.A. for 30 days a month. Shri Bapat is unable to say if barring the N.C.D.C. employees there is any other section of the employees who is paid V.D.A. for 30 days a month.

44. Having regard to the totality of the facts and circumstances and the probabilities of the case, I am inclined to uphold the contention of the first party that the Head Office employees of the erstwhile Ballarpur Collieries Company were being paid V.D.A. either for 26 days a month or at a fixed sum of Rs. 65 per month. So far as the employees of the DNCPH Colliery Company are concerned, it would appear from the evidence of Shri Shevade, vide para 6 of his deposition, that those employees were being paid Rs. 55 per month as V.D.A. and it had no relation to the consumer price index number and that those employees continued to get V.D.A. at that very rate till the date of nationalisation. The question of V.D.A. should not, therefore, detain us any more.

45. It was submitted by Shri Patel that the management had considered the claims of Messrs. Shevade, Pathak, Joshi, Bapat, Vyas and Acharya for promotion, but some of them did not even appear before the Screening Committee and those others who were selected for promotion, had declined

to accept the promotion. It was, therefore, urged that the everything said and done, atleast these employees do not deserve any consideration and sympathy. The argument is indeed attractive but as submitted by Shri Pradhan and Shri Kimmatkar, the promotions were indeed unreal and illusory and brought no real monetary benefit to those employees. In the first place it may be noted that the promotions were offered subject to the condition that the employees concerned should accept their fitment in the Wage Board's Scales with effect from 1-5-1973, as per the norms Exh. C-34. Now, it may be noted that in making fixation/fitment in the Wage Board's Scales of Pay as per norms, the management has reduced their basic pay and in terms of Clause 2 of Exh. C-34 the difference has been made good by treating it as personal pay. Clause 2 *ibid* also makes it quite clear that this Personal Pay will not affect the future increments of the employee in the same scale, but it will be absorbed on promotion of the employee concerned or on alteration of the scale itself. It may be noted that Messrs. Shevade, Pathak, Joshi and Bapat were considered for promotion in the Executive Cadre post. It is not disputed that the age of superannuation for the employees of the Ministerial Cadre is 60, while the age of superannuation for the post in the Executive Cadre is 58. So, by accepting the Executive Cadre post there would have been 2 years' loss of tenure in service to each of these employees. It may be noted that Shri Shevade has stated in his evidence that in the Ministerial Cadre his date of retirement on superannuation would be 22-4-1983, but if he had accepted promotion to the Executive Cadre post he would have been required to retire 2 years earlier i.e. on 22-4-1981. Shri Bapat has also stated that he had good reasons to decline the promotion. It was submitted by Shri Kimmatkar that in case of promotion, as per Clause 2 of the norms Exh. C-34, the amount of Personal Pay is reduced and adjusted in promoted scale of pay. It is submitted that in case of promotion in the Executive Cadre the personal pay will be adjusted against yearly increments which means the employee will actually get no increment till this personal pay is completely exhausted. Shri Acharya was offered promotion to the post of Assistant Office Superintendent. He says that by accepting that promotion he would have gained precious little. In this connection he has placed on record the statement Exh. U-13, which would go to show that on promotion his basic pay would increase from Rs. 365 to Rs. 395, but in that event his personal pay would be reduced from Rs. 140 to Rs. 110. So, by reason of promotion, he would not get any appreciable monetary benefit due to the absorption of his personal pay. It was, however, submitted by Shri Patel that the matter was reviewed by the management and a memorandum dated 16-1-1978, Exh. C-69, was issued on the subject of absorption of personal pay of the Non-executive Cadre employees under NCWA on promotion to higher grade. Certain principles were laid down in the matter of refixation of pay on promotion in respect of the employees in receipt of personal pay. Shri Patel invited my attention to the Clause (4), which says that the unabsorbed portion of personal pay, if any, thus arrived at, shall be allowed to be continued in the promoted scale, which would be absorbed further in future promotions only. It is, however, submitted by Shri Kimmatkar that the so called additional benefit is quite meagre because the major part is the adjustment of personal pay. It is argued that on the contrary if as per the demand of the employees, their old basic pay is protected and the fixation is done taking into consideration the old basic pay, then the fitment on promotion would give them much better benefits and there would be no question of adjustment of any personal pay at the time of promotion. It is not the contention of the employer that at the time of personal pay is not at all adjusted. It is only their contention that in addition to the adjustment of personal pay there is also some additional benefit which appears to be quite meagre and inconsequential.

46. After clearing the aforesaid ground, we may now turn attention to the mode of fitment adopted by the management in the matter of fixation of these employees in the Wage Board's Scales of Pay with effect from 1-5-1973. As I have pointed out, Exh. C-34 constitutes the norms and Exh. C-36 gives an illustration as to how the fitment is to be done. Shri Bhandari has also explained the mode of fitment in his evidence. He says that while making fixation as per the norms, the emoluments drawn by the employees as on 30-4-1973, i.e. the date penultimate to the date of nationalisation were taken into account. Thereafter the basic pay was fixed in the appropriate scale after adding service

increments at the rate of one increment for every 3 years service under the immediate past employer, subject to the maximum 3 increments. To this the management added V.D.A. as per the Wage Board, 10 per cent Attendance Bonus and H.R.A. at the rate of 20 per cent of the basic pay as applicable to Nagpur. If there was any short-fall in any case as compared to the pre-nationalisation emoluments, it was made good by allowing the personal pay. Care was taken to see that Attendance Bonus and H.R.A. was allowed on Basic Pay plus Personal Pay. Shri Bhandari has explained this mode in paragraph 7 of his deposition. In the cross-examination in paragraph 18, it is made clear by him that every employee is fitted in the appropriate pay scale by placing him at the initial or minimum stage of the pay scale and then service increments are added. He says that the norms provide for the scales of pay as per the Wage Board and Note No. 1 makes provision for giving service increments but there is no provision made for point to point fixation. He also admits that in Exh. C-34 it is not specifically stated that each employee shall be fitted at the minimum stage of the respective pay scale, but he says that that is implied especially when norms Exh. C-34 are read in the light of the illustration given in Exh. C-36.

47. Now, the illustration is in relation to an employee posted in Nagpur, who was in receipt of Rs. 600/- as consolidated salary as on 1-5-1973. He is fitted in the Wage Board's Scale of Rs. 305-730. His basic pay is fixed at Rs. 345/-. That appears to be a mistake because it should read as Rs. 350. The minimum of the pay scale is Rs. 305 and if 3 service increments at the rate of Rs. 15/- are added then the total would come to Rs. 350 and not Rs. 345. The first party has admitted this small mistake. However, we may take the example as it is. Now, in accordance with the norms his total emoluments in the Wage Board's scale is worked out as under as on 1-5-1973 :

Basic Pay	Rs. 345.00
V.D.A.	Rs. 67.86
Attendance Bonus at 10% of the Basic Pay and Personal Pay	Rs. 41.00
H.R.A. at 20%	Rs. 82.00
Personal Pay	Rs. 64.14
Total	600.00

A note is given that his personal pay rounded off to the nearest rupee will be Rs. 64/- and it will be adjusted only on his promotion or a change in his scale of pay. It was pointed out by Shri Bhandari that back calculations are also made for arriving at the figures in the aforesaid columns. In the first place, it was submitted by Shri Pradhan and Shri Kinnatkar that the illustration given in Exh. C-36 relates to an employee who is drawing "consolidated salary". It is pointed out that the consolidated salary has a fixed connotation. Consolidated salary is that salary in which the elements of basic, dearness allowance and other allowances are intermingled and the same cannot be demarcated or identified. It is pointed out that none of these 13 non-optees was getting a consolidated salary. In this connection Shri Kinnatkar invited my attention to the comparative statement of emoluments, Exh. C-41, filed by the first party. On the right hand side the emoluments actually drawn by the non-optees are indicated. It would appear that each employee got Basic Pay, Attendance Bonus and V.D.A. excepting Shri Acharya. Shri Manoranjan was also getting Rs. 65/- as H.R.A. So, strictly speaking, it cannot be said that these employees were getting consolidated salary as indicated in Exh. C-36.

48. Now, in Exh. C-41 the management has shown on the left hand side the emoluments which would have been admissible to these non-optees in case they had accepted the fixation in the Wage Board's Scale of Pay with effect from 1-5-1973, as per the norms Exh. C-34. Now, let us examine the fitment of Shri N. D. Purohit shown at Sr. No. 5 in Exh. C-41. He belonged to the Ballarpur Collieries Company and had put in more than 9 years service. Now, on 30-4-1973 i.e. prior to nationalisation he was getting the following emoluments :

Basic pay	Rs. 465.00
V.D.A.	Rs. 65.00
Attendance Bonus	Rs. 46.50
Total	Rs. 576.50

It may be noted that the V.D.A. and the Attendance Bonus paid to Shri Purohit was on the same basis and principle as paid to the field workers as per the Coal Wage Board.

49. As per the letter of fixation and option given to Shri Purohit, Exh. C-20, the management put him in the grade of Senior Clerk with the pay scale 305-15-425-20-505. In that scale his fitment is done as under with effect from 1-5-1973.

Basic Pay	Rs. 350.00
Personal Pay	Rs. 42.00
V.D.A.	Rs. 67.86
Attendance Bonus	Rs. 39.20
H.R.A.	Rs. 78.40
Total	Rs. 577.46

50. It was submitted by Shri Patel that in making the fitment as per the norms, the management had taken care to see that the total emoluments as per the norms are not less than the total emoluments received by the employees on 30-4-1973. In this connection Shri Patel invited my attention to the figures as shown in column 10 of Exh. C-41 in juxtaposition with the figures as shown in column 16 of Exh. C-41. It was, therefore, submitted by Shri Patel that in making fitment in Wage Board's Scales of Pay the management has faithfully followed the mandatory provisions contained in Section 14(1) of the Nationalisation Act, 1973. As I have already commented, the management has only paid lip service to the said provisions.

51. Now, it may be noted that on 30-4-1973 Shri Purohit received Rs. 465/- as Basic Pay. In fitting him in the scale of Rs. 305-505, his basic is brought to the minimum stage i.e. Rs. 305/- and adding 3 service increments amounting to Rs. 45/- the total Basic Pay is arrived at Rs. 350/-. So, Shri Purohit's former basic wage of Rs. 465/- is brought down to Rs. 350/-. This mode of fitment at the minimum of the Wage Scale is something unheard of and is contrary to well established principles. The expression "basic wage" has not been defined in the Industrial Disputes Act, though the concept of basic wage is relevant for fixing wage structure including dearness allowance or other allowances or fringe benefits and also for framing a gratuity scheme. The concept 'basic wage' is, however, familiar to employers and workmen and all who have to deal with the problem of labour's remuneration. The adjectival "basic" in all such cases means what is normally allowable to all irrespective of special claims. The phrase "basic wages" is also ordinarily understood to mean that part of the price of labour, which the employer must pay to all the workmen belonging to all categories. The phrase is used ordinarily in marked contradiction to "dearness allowance", the quantum of which varies from time to time, in accordance with the rise or fall in the cost of living. (see page 327 under the heading "Basic Wage and Allowances" of the Law Industrial Disputes by O. P. Malhotra Vol. II 1973 Edition).

52. It was also submitted by Shri Pradhan and Shri Kinnatkar that the first party has not followed any recognised principles in the matter of adjustment into the new scales and they have evolved a new set of principles unknown to the Industrial jurisprudence, which have done uncalculable injury to the employees. In this connection they invited my attention to Chapter VIII Section F—Adjustment into New Scales of Pay, vide page 83 of the Report of the Coal Wage Board Vol. I. It is pointed out that the method of adjustment is indicated in Section F, but the management has not cared to follow them even mutatis mutandis. In reply, it was pointed out by Shri Patel that the Coal Wage Board's Recommendations have been accepted by the management for a limited purpose, namely, for adopting the Wage Board's Scales. But the management was not bound to adopt the mode of adjustment laid down in the Wage Board Award. It is a too legalistic approach to say the least.

53. Now, in industrial cases in the matter of fitment in the wage scales prepared for the first time or in the wage scales revised, the normal principle followed is that the workman is fixed at the stage of the pay scale equivalent to his Basic Wage and if it does not coincide with such a stage then he is stepped up to the nearest higher stage and thereafter the service increments, if any, are added. Such a wholesome and well recognised principle has not been followed in the present case and the Basic Pay of everyone of these 13 non-optees has been brought down. Now, reverting to the case of Shri Purohit, we find that the amount of his Attendance Bonus is reduced from Rs. 46.50 to Rs. 39.20 because the Attendance Bonus is payable on the Basic Wage and since the Basic Wage is reduced there is a proportionate reduction in the Attendance Bonus. The House Rent Allowance offered is Rs. 78.40 which is on the basis of the conditions of service of all the employees of the CHA as declared by the letters Exh. U-1 and U-2, which is 20 per cent of the Basic Pay. The House Rent Allowance is also undergone reduction because the Basic Pay is reduced. It was submitted by Shri Kimmatkar that what is actually done is that a part of old Basic Pay of Shri Purohit is taken out and it is being offered in the name of H.R.A. It is, therefore, submitted that the reduction in the Basic Pay has affected his Attendance Bonus as well as House Rent Allowance. There is also adverse effect on the fringe benefits of Provident Fund, Statutory Bonus and Gratuity. It is pointed out that the Personal Pay which is shown as per the offer is of no use to Shri Purohit because on his fixation at the Basic Wage of Rs. 350/-, he is deprived of higher rate of yearly increment. The Personal Pay is also to be merged or adjusted at the time of promotion thus depriving him of the benefit of fitment after promotion. It is rightly submitted by Shri Pradhan and Shri Kimmatkar that in making fitment of these employees the management has followed a queer method of making national allocations out of the total emoluments drawn by the employees on 30-4-1973 towards Basic Pay, Personal Pay, V.D.A., Attendance Bonus and H.R.A. Now, it is not disputed that H.R.A. is a fringe benefit as indicated in Annexure 'A', Exh. C-37. Now, it may be useful and interesting to examine in brief the concept of fringe benefits. Traditionally, the obligation of an employer to the workmen was considered complete with the payment of basic wage viz., wage of each unit of time spent on the job or each unit of work completed. With increasing industrialisation, rising prices, rising incomes and other historical vicissitudes, the interests of the workmen in compensation have considerably widened to include more than basic wage payment, and consequently the employer's liability to provide supplementary items of compensation has increased. Such supplemental items of compensation have generally come to be known as "fringe benefits". "Fringe benefits" in a term embracing variety of employees' benefits paid by employers and supplementing the workers' basic wage or salary. (In this connection I may refer to the Commentary on page 426 of the Law of Industrial Disputes by O. P. Malhotra, Second Edition).

54. In this connection Shri Pradhan and Shri Kimmatkar invited by attention to Clause 6 appearing on page 2 of the Sub-Committee's Report, Exh. C-45. It is stated that as while adjusting the old emoluments of these employees in the Wage Board's Scales of Pay a portion of the emoluments has been allocated to H.R.A. payable as per the rules, the Sub-committee recommended that the amount of H.R.A. be paid to them as a Special Allowance to compensate their loss in the event of their transfer to the areas where payment of H.R.A. is not admissible. The Sub-committee also expressed view that while adjusting the old emoluments in the Wage Board's Scales of Pay, allocations towards H.R.A. should not have been made since it is a fringe benefit, admissibility of which depends upon the place of posting. The Sub-committee, however, rightly refrained from making any recommendation on that subject because it was beyond the ambit and scope of their terms of reference. However, the aforesaid comments made by the Sub-committee should have been considered for what they are worth by the management it was repeatedly stressed that the management had no right and it erred grievously in bifurcating the old emoluments drawn by the employees and allocating them notionally towards Basic Pay Attendance Bonus, H.R.A., etc. From where the first party picked up this formula or mode of fitment is anybody's guess. But, as I have pointed out, it has created a very piquant situation and brought misery and dissatisfaction to these employees. In the cases of a few employees we find startling results. In the case of Shri Pathak, his old Basic

Pay of Rs. 630 is brought down to Rs. 350. In the case of Shri Shevade, his old Basic Pay of Rs. 755.50 has been brought down to Rs. 335. In the case of Shri Bapat we find that his old Basic Pay of Rs. 615 is brought down to Rs. 350. In the case of Shri Acharya, the old Basic Pay of Rs. 650 is brought down to Rs. 350. In the case of Shri Chourasiya the old Basic Pay of Rs. 500 is brought down to Rs. 350. The most amazing case is of Shri Joshi, whose old Basic Pay was Rs. 925 and it has been brought down to Rs. 350. Is it fitment or a slaughter? It was submitted by Shri Pradhan as well as Shri Kimmatkar that this mode of fitment has also adversely affected the provident fund and gratuity benefit of the non-optees.

55. It was emphasised by Shri Pradhan as well as Shri Kimmatkar that in making fitment care should be taken to see that the higher wages and benefits enjoyed by the staff are not adversely affected. In this connection they invited my attention to the following extract from page 77, Chapter VIII, from the Recommendations of the Coal Wage Board, 1967.

"The scales of pay we are recommending for the clerical staff are the lowest below which no colliery will be allowed to go. As already stated we are aware that in some of the larger collieries the clerical staff are presently enjoying scales which are higher than those prescribed under the different awards. We hope that such units will take this factor into account when reviving the scales of such staff on the basis of our recommendations by suitable adjustments or by extending the incremental scales to a higher ceiling."

The aforesaid extract reinforces, in appreciable measure, the aforesaid submission made by Shri Pradhan and Shri Kimmatkar.

56. Shri Patel, however, invited my attention to the evidence by Shri Bhandari. In paragraph 8 of the deposition he has stated that what the management has offered to these 13 non-optees by the option letters is much better than what they are actually drawing now. He has further stated that the management has filed at Exh. C-41 the comparative statement of the emoluments drawn by the non-optees at Nagpur and the emoluments which they would have drawn in the event of acceptance of the fixation as per the option letter. Exh. C-41 has to be read with Exh. C-68 as well as Exh. C-62. On the basis of these statements it was submitted by Shri Patel that the non-optees would have derived substantial benefits vis-a-vis their present emoluments, in case they had accepted the fitment as per the norms with effect from 1-5-1973. In reply, it was pointed out by Shri Pradhan as well as Shri Kimmatkar that in this case we are concerned with the initial fixation as on 1-5-1973 and we need not take into consideration the benefits which the non-optees would have drawn on 1-1-1975, 1-1-1976, 1-1-1977, 1-1-1978 and 1-1-1979. In this connection it is pointed out that if the initial fixation on 1-5-1973 is made according to the well established principles as desired by the non-optees, then the benefits accruing on 1-1-1975, 1-1-1976 etc. would be to a such larger extent. There is indeed considerable force in this submission. Shri Pradhan and Shri Kimmatkar also invited my attention to the evidence given by Messrs Bapat, Acharya and Shevade examined on behalf of the second party as also the statements filed by them. Exh. U-10 is a statement filed by Shri Bapat, showing the monetary losses that would have accrued in case he had accepted the fitment as per the norms. According to Shri Bapat and that statement, he would suffer a total loss of nearly Rs. 40,000/- till the time of his retirement, in case he were to accept the fixation as per the norms. Shri Acharya has also shown his losses in the statement, Exh. U-12. According to him, he would suffer a permanent loss of Rs. 107.62 per month with effect from 1-5-1973 and Rs. 232.62 per month with effect from 1-7-1973 onwards, if he were to accept the norms as proposed by the management. Shri Shevade has filed a statement, Exh. U-17, in which he has shown the losses that would result in case he had accepted the norms as proposed by the management. Exh. U-18 is a statement showing the loss that would result to him on account of Medical Cash Grant. He has also produced at Exh. U-19 a statement showing the losses which would be suffered by him on account of provident fund. The statements cover the period 1-5-1973 to 30-4-1983 i.e. till the date of his retirement. Now, there is a presumption that normally a person would

act so as to further his interest. If these non-optees had really nothing to lose and everything to gain by acceptance of the norms, it is inconceivable, having regard to the normal course of human conduct, that they would have spurned the offer.

57. It was next submitted by Shri Patel that these norms have been uniformly applied to the Headquarters taken over staff at Nagpur. It is pointed out that any deviation from the norms or any relaxation of the norms in respect of these 13 non-optees would have devastating consequences. In this connection Shri Patel invited my attention to the evidence given by Shri Bhandari in paragraph 3 of his deposition. Shri Bhandari has stated that any deviation from the norms in respect of these 13 non-optees will lead to dissatisfaction, industrial relations problem and would amount to discrimination vis-a-vis the employees who have opted for the Wage Board's Scales as per the norms. It is submitted by Shri Patel that in the event of relaxation of the norms in respect of these non-optees, the management may be accused of discrimination and showing favouritism to this section of the employees. It is argued that these 13 non-optees cannot be regarded as a special favourite class or section of the employees. It is urged that in case the norms are relaxed in respect of these 13 non-optees and their fitment is done according to some other formula, then, it would open floodgates for representations for review of cases from the employees who have already accepted the fitment as per the norms and whose cases are akin to these 13 non-optees, so what? The situation is of the party no. 1's own making and that party should be prepared to face the music.

58. In this connection it was also pointed out by Shri Kimmalkar that although there are about 500 employees employed in the undertaking of the first party it would appear from the admissions made by Shri Bhandari as also the statements at Exh. C-38 and C-39 that there are only about 140 employees constituting the Headquarters staff taken over from the erstwhile Coal Companies. It is pointed out that the remaining 360 employees are either those who are transferred from fields to the head office or who are fresh recruits. Now, so far as the workers who are transferred from the collieries to the Head Office are concerned, it is clear that they are evidently benefited in respect of the additional benefits by accepting the norms. Being workers of the Colliery they were already in the Wage Board's Scales and were getting V.D.A. for 26 days. As per the norms they became entitled to additional benefits. No question of adjustment or bifurcation of old emoluments could arise in their cases. The new entrants also stood to gain by accepting the norms because there was no question of adjustment of their old emoluments.

59. It would, therefore, appear that only about 140 employees are directly affected. Now, if we refer to Exh. C-38 and C-39, we find that about 60 of them have benefited by accepting the norms. About 40 employees have got more or less similar monetary benefits as they were getting before. It seems that only 40 employees including these 13 non-optees, would suffer losses by the mode of fixation as proposed by the management. So, it is not that there would be wide spread repercussions on a large section of the employees, in case the fitment of these 13 non-optees is made by relaxation of the norms to a certain extent.

60. A grievance is made by Shri Pradhan as well as Shri Kimmalkar that most of these 13 non-optees have not been fitted in the proper grades/pay scales, having regard to their educational qualifications, experience, post held before take over responsibilities attached to the post, nature of the work performed etc. I shall presently show that there is considerable force in this submission. In the first place I shall deal with Messers Shevade, Bapat, Pathak, Nandagirikar and Acharya. It may be noted that the first three are Commerce Graduates. Shri Nandagirikar is an Arts Graduate and Shri Acharya is Inter-Commerce. The management has offered the pay scale of Rs. 305—730 to Messers Pathak and Nandagirikar in the first instance. However, the case of Shri Nandagirikar was reconsidered vide letter dated 6-5-1977. Exh. C-59, as he has been placed in the Wage Board's Scale of Rs. 405—730 with effect from 1-5-1973. In Exh. C-41 also Shri Nandagirikar's fitment is shown on the basis of that scale. Messers Shevade, Bapat and Acharya are fitted in the scale of Rs. 305—505 (Senior Clerk). It is rather amusing to find that the Basic Pay drawn by these 3 employees on 30-4-1973 was much in excess of the

maximum (ceiling) of that scale. Shri Pathak has been fitted in the scale of Rs. 305—730, but he was also drawing a Basic Pay of Rs. 630. Now, it may be noted that so far as Shri Acharya is concerned, he was first offered promotion to the post of Assistant Office Superintendent in the grade of Rs. 305—730. He declined the promotion because he was not to gain anything in terms of money by accepting the promotion. He made a representation that he should have been offered promotion to the post of Office Superintendent. The representation was accepted and the management issued a letter dated 10/12-11-1977, Exh. U-14, informing him that he was found fit for promotion to the post of Office Superintendent. It would, therefore, appear that even the management has recognized the fact that Shri Acharya should have been given the grade of Office Superintendent—Rs. 405—730. Now, so far as Messers Shevade, Bapat and Pathak are concerned, we find that the Sub-Committee constituted by the management had in the annexure attached to the report Exh. C-45, recommended the pay scale of Rs. 405—730 to all these 3 employees. The Sub-Committee had made the necessary enquiries and after a careful examination of the data available they had made the recommendations. The Sub-Committee had to examine the cases of 22 non-optees then existing, and the Sub-Committee recommended that 6 employees who are Commerce Graduates with 15 years experience to their credit, should be placed as Accountants in the scale of Rs. 405—730. The names of Messers Shevade, Bapat and Pathak are included amongst those 6 employees. So, acting on the material available on record and also keeping in light the recommendations, Exh. C-45, of the Sub-Committee, I direct that Messers Shevade, Bapat, Pathak, Nandagirikar and Acharya should be fitted in the Wage Board's Scale of Rs. 405-20-605-25-730 with effect from 1-5-1973.

61. Shri Joshi has been fitted in the pay scale of Rs. 315—505 (Senior Clerk). It is indeed true that Shri Joshi is merely a Matriculate. But then, it has to be noted that he was drawing basic salary of Rs. 925, the highest amongst these 13 non-optees. He was working as a Stores-in-Charge prior to take over and had experience of nearly 26 years. The Sub-Committee has, therefore, recommended that he should be fitted in the scale of Rs. 305—730, which is the scale allowed for Assistant Superintendent vide norms Exh. C-34. In my opinion, the ends of justice shall be met by fixing Shri Joshi in that scale. Shri Victor Joseph has been fitted in the scale of Rs. 305—730 (P.A.). He is only B.A. First Year pass. The Sub-Committee has recommended his fitment as P.A. in the same scale and that recommendation appears to be quite fair and proper. I, therefore, direct that Shri Joshi and Shri Victor Joseph should be fitted in the scale of Rs. 305-15-395-20-575-25-700-30-730 with effect from 1-5-1973.

62. Shri Chourasiya was originally fitted in the scale of Rs. 245—385 (U.D.C.). However, vide letter dated 21/7-1977 Exh. C-60, his case was also reconsidered and it was decided to place him in the Wage Board's Scale of Rs. 305—505 with effect from 1-5-1973, designating him as Senior Clerk. The Sub-Committee has also recommended his fitment in that scale. Shri Purohit and Shri Aradhye have also been fitted by the management in the scale of Rs. 305—505. The Sub-Committee has recommended for them the very same scale. It may be noted that Messers Chourasiya, Purohit and Aradhye are all Matriculates. In my opinion, therefore, their fitment in the scale of Rs. 305—505 (Senior Clerk) is quite proper. I therefore, direct the fitment of Messers Purohit, Aradhye and Chourasiya in the Wage Board's Scale of Rs. 305-15-425-20-505 with effect from 1-5-1973.

63. Shri Ozarkar is fitted in the scale of Rs. 205—325 (U.D.C.). He is a Matriculate, working as Assistant Record Keeper prior to take over. The Sub-Committee has recommended his fitment in the grade of Rs. 245—385. Shri Vyas is a Matriculate and he is fitted in the scale of Rs. 245—385. The Sub-Committee has recommended his fitment in the same scale. Shri Manoranjan is a non-Matric and the management has fitted him in the scale of Rs. 205—325, but the Sub-Committee has recommended his fitment in the Wage Board's Scale of Rs. 245—385. I am inclined to accept the recommendations of the Sub-Committee. I therefore, direct the fitment of Messers Manoranjan, Vyas and Ozarkar in the Wage Board's Scale of Rs. 245-10-325-15-385 with effect from 1-5-1973.

64. The actual fitment of the 13 non-optees, in the respective scales of pay shall have to be done in accordance with the principles set out in the fore-going paragraphs, particularly paragraph No. 53. I have prepared a statement, Annexure 'A', indicating the fitment of these 13 non-optees in the Wage Board's Scales of Pay in relaxation of the norms Exh. C-34, with effect from 1-5-1973.

65. I, therefore, make an Award that, having regard to the additional monetary benefits secured by the employees of the WCL, Nagpur after their absorption consequent upon nationalisation of the Coal Mines and keeping in view the principles adopted in the matter of fitment of taken over employees of erstwhile Coal Companies at Calcutta/Nagpur

in the Wage Board's Scales of Pay, the offer made by the WCL, Nagpur for fixation of pay with effect from 1-5-1973 in respect of the employees named in the Reference is not justified. I further hold that these 13 employees, non-optees, are entitled to their fitment in the Wage Board's Scales of Pay in relaxation of the norms Exh. C-34, with effect from 1-5-1973, as indicated in Annexure 'A' which shall form part of the Award.

Nagpur :

Dated : 28th March, 1980

Sd/-

W. K. ALMELKAR, Arbitrator

ANNEXURE 'A'

STATEMENT SHOWING THE FITMENT OF THE 13 NON OPTEEES IN THE WAGE BOARD'S SCALES OF PAY WITH EFFECT FROM 1-5-1973

Sl. No.	Name	Designation	Scale of Pay	Basic Pay	Personal Pay	V.D.A.	H.R.A.	Attendance Bonus	Total	Remarks
1.	Sh. K.R. Manoranjan	U.D.C.	245-385	325	78.14	67.86	80.62	40.31	591.93	He was getting Rs. 1460 p.m. as Fixed D.A. The amount in excess of Rs. 67.86 is regarded as P.P.
2.	Shri N.R. Nandagiri	Er. P.A.	405-730	630	..	67.86	126	63	886.86	
3.	Shri S.S. Vyas	U.D.C.	245-385	385	..	67.86	77	38.50	568.36	
4.	Shri G.K. Patil	Accountant	405-730	705	..	67.86	141	70.50	984.36	
5.	Shri N.D. Purohit	Sr. Clerk	305-505	505	..	67.86	101	50.50	724.36	
6.	Shri P.D. Shinde	Accountant	405-730	730	23.50	67.86	150.70	75.35	1047.41	His Basic wage was in excess of the ceiling of his pay scale. The excess amt. is shown as P.P.
7.	Shri S.D. Bapat	Accountant	405-730	705	..	67.86	141	70.50	984.36	
8.	Shri B.V. Aradhya	Sr. Clerk	305-505	505	..	67.86	101	50.50	724.36	
9.	Shri R.M. Acharya	Off. Supdt.	405-730	730	..	67.86	146	73	1016.86	
10.	Shri V.G. Ozarkar	U.D.C.	245-385	385	..	67.86	77	38.50	568.36	
11.	Shri S.R. Chourasia	Sr. Clerk	305-505	505	..	67.86	101	50.50	724.36	
12.	Shri W.G. Joshi	Assistant Office Supdt.	305-730	730	195	67.86	185	92.50	1270.36	His Basic pay of Rs. 925 is in excess of the ceiling of his Pay Scale and so, the excess is amount shown as P.P.
13.	Shri Victor Joseph	P.A.	305-730	495	..	67.86	99	49.50	711.36	

Sd/-

W.K. ALMELKAR, Arbitrator.

[No. L-18013(1)/80-Do IV (B)]

SHASHI BHUSHAN, Desk Officer.

नई दिल्ली, 3 अप्रैल, 1980

का० प्रा० 1048.—केन्द्रीय सरकार कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मिस्र हिन्दुस्तान एरोनाटिक्स लिमिटेड (कानपुर प्रभाग) कानपुर, प्रतिरक्षा मंत्रालय के अन्तर्गत एक सार्वजनिक प्रतिष्ठान उपक्रम को उक्त अधिनियम के प्रवर्तन से इस अधिसूचना को भारत सरकार के राजपत्र में प्रकाशित करने की तारीख से 30 जून, 1980 तक के लिए छूट देती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात्:—

(1) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिम्मेदार उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इसके पश्चात् उक्त अवधि कहा गया है), ऐसी विवरणियाँ, ऐसे प्रपत्र में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी;

(2) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी:—

(i) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत बी गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ; या

(ii) यह अभिनिरूपित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख, उक्त अवधि के लिए रखे गये थे या नहीं; या

(iii) यह अभिनिरूपित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन फायदों को, जिनके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या

(iv) यह अभिनिरूपित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में उक्त अधिनियम के उपबन्ध प्रवर्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिये सशक्त होगा:—

(क) प्रधान या अग्र्यवर्हित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है; या

(ख) ऐसे प्रधान या अग्र्यवर्हित नियोजक के अधियोपाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रधारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और भजदूरी के संदाय से संबंधित ऐसे लेखाबहियाँ और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें, या उन्हें ऐसी जानकारी दें जिसे वे आवश्यक समझते हैं; या

(ग) प्रधान या अग्र्यवर्हित नियोजक, को उसके अधिकर्ता या सेवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर, में पाया जाए, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना।

[संख्या एस०-38014/1/80 एच० आई०]

New Delhi, the 3rd April, 1980

S.O. 1048.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts M/s. Hindustan Aeronautics Limited (Kanpur Division) Kanpur, a public sector undertaking under the Ministry of Defence, from the operation of the said Act, with effect from the date of publication of this notification in the Official Gazette upto and inclusive of the 30th June, 1980.

2. The above exemption is subject to the following conditions, namely:—

(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;

(2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—

(i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or

(iv) ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory;

be empowered to—

(a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

नई दिल्ली 5 अप्रैल, 1980

का० प्रा० 1049—देशीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91A के साथ पठित धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तथा भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० प्रा० 1463, दिनांक 20 अप्रैल, 1979 के अनुक्रम में दि ईण्डियन आयल ब्लेंडिंग लिमिटेड, पी-68, सी० सी० आर० उर्सिबर्तन रोड, पहाड़पुर, कलकत्ता और दि ईण्डियन आयल ब्लेंडिंग लिमिटेड, पिर पाऊ ट्रोम्बे, घम्बई-74 को उक्त अधिनियम के प्रवर्तन से पहली जुलाई, 1979 से 30 जून, 1980 तक, जिसमें यह दिन भी सम्मिलित है, को और अवधि के लिए छूट देती है।

2. पूर्वांकन छूट की शर्तें निम्नलिखित हैं, अर्थात्:—

- (1) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे हमें हमके पश्चात् उक्त अवधि कहा गया है), ऐसी विवरणियाँ, ऐंभ प्रथम में और ऐसी विविधियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की वास्तव देनी थी;
- (2) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी:—
 - (i) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणियों की विधिष्ठियों को सत्यापित करने के प्रयोजनार्थ; या
 - (ii) यह अधिनियमित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख, उक्त अवधि के लिए रखे गये थे या नहीं; या
 - (iii) यह निश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिए गए उन फायदों को जिनके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या
 - (iv) यह अधिनियमित करने के प्रयोजनार्थ कि उस अवधि के के दौरान, जब उक्त कारखाने के संबंध में उक्त अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं;

निम्नलिखित कार्य करने के लिये सशक्त होगा :—

- (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है; या
- (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधियोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रधान से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा बहियाँ और अन्य दस्तावेज ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें, या उन्हें ऐसी जानकारी दें जिसे वे आवश्यक समझते हैं; या
- (ग) प्रधान या अव्यवहित नियोजक को, उसके अधिकर्ता या सेवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर, में पाया जाए, या ऐसे किसी व्यक्ति की जिसकी बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्ति युक्त कारण है कि कर्मचारियों हैं, परीक्षा करना; या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल तैयार करना या उसमें उद्धरण लेना।

व्यावसायिक जापन

इस मामले में पूर्वाधिकी प्रभाव से छूट देना आवश्यक हो गई, क्योंकि छूट के लिए प्राप्ति आवश्यकताओं की कार्यवाई पर समय लगा। तथापि, यह प्रमाणित किया जाता है कि पूर्वाधिकी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[संख्या एन-38014/36/78 एच० आर०]

New Delhi, the 5th April, 1980

S.O. 1049.—In exercise of the powers conferred by section 87, read with section 91A of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O. 1463, dated the 20th April, 1979, the Central Government hereby exempts the Indian Oil Blending Limited, P. 68, C.C.R. Diversion Road, Paharpur, Calcutta and the Indian Oil Blending Limited, Pir Pau, Trombay, Bombay-74, from the operation of the said Act for a further period of one year with effect from the 1st July, 1979 upto and inclusive of the 30th June, 1980.

2. The above exemption is subject to the following conditions, namely:—

- (1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
 - (2) Any Inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other Official of the Corporation authorised in this behalf shall, for the purposes of—
 - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
 - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
 - (iv) ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory;
- be empowered to—
- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
 - (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
 - (c) examine the principal or immediate employer, his agent or servant, or any person found in such

factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or

- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

[No. S-38014/36/78 HI]

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-38014/36/78-HI]

नई दिल्ली, 7 अप्रैल, 1980

का० प्रा० 1050.—केन्द्रीय सरकार को यह प्रतीत होता है कि एल० आई० सी० एम्पाईज कंज्यूमर्स कोप्रोपर्टिव सोसाइटी लिमिटेड, एल० आई० सी० बिल्डिंग्स, माउंट रोड, मद्रास-2 नामक स्थापन से संबद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहियें।

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जुलाई, 1977 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35019(258)/79-पी०एफ०2]

हंसराज छहड़ा, उप सचिव

New Delhi, the 7th April, 1980

S.O. 1050.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs L.I.C. Employees' Consumers Co-operative Society Limited, L.I.C. Buildings, Mount Road, Madras-2, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 52 (19 of 52), should be applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of July, 1977.

[No. S-35019 (258)/79PF-II]

HANSRAJ CHHABRA, Dy. Secy.

New Delhi, the 3rd April, 1980

S.O. 1051.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bangalore in the industrial dispute between the employers in relation to the management of Bharat Gold Mines Limited, Kolar Gold Fields and their workmen which was received by the Central Government on the 26th March, 1980.

BEFORE THE INDUSTRIAL TRIBUNAL IN KARNATAKA, BANGALORE

Dated, the 19th March, 1980

Sri H Shanmukhappa, B.A., B.L., Presiding Officer.

Central Reference No. 10 of 1978

I PARTY.—Workmen represented by the President, Bharat Gold Mines Workers Union, Champion Reefs, Kolar Gold Fields-563117.

20 GI/80—11

Versus

II PARTY.—The Chairman & Managing Director, Bharat Gold Mines Ltd., Orgaum, Kolar Gold Fields-563120.

APPEARANCES:

For the I Party—None present.

For the II Party—K. J. Shetty, Advocate, Bangalore.

REFERENCE

(Government Order No. L-43011/3/78-D.III.B dated 23-10-78)

AWARD

The Central Government being of opinion that an Industrial dispute existed between the employers in relation to the management of Bharat Gold Mines Limited, Kolar Gold Fields and their workmen in respect of the matters specified in the Schedule, they have referred to this Tribunal for adjudication under Section 7A and 10(1)(d) of the Industrial Disputes Act, 1947, in their Order No. L-43011/3/78-D.III.B dated 23rd October, 1978 on the following points of dispute:—

"Whether the demand of Bharat Gold Mines Workers' Union for payment of enhanced rate of Rs. 3.85 per day to 141 casual labour employees of the Watch and Ward Department of Bharat Gold Mines Limited for the period from 25th April, 1973 to 31st October, 1974 is justified?"

If so, to what relief are the aggrieved workmen entitled?

2. After registering, the Reference, Notices were sent to both the parties for their appearance before the Tribunal on 20th November, 1978. On that day, in spite of notices served on both the parties by Registered Post, the I Party-workmen did not appear before the Tribunal. However, Sri K. J. Shetty filed his authorisation for the II Party. Therefore, the Reference was adjourned several times for filing the Claim Statement of the I Party. Although the Reference was adjourned as many as 10 to 11 times, the I Party did not appear before the Tribunal and file their claim statement. In other words they remained absent and have not evinced any interest in their Reference whatsoever. However, the II Party management have filed their Counter Statement.

3. Therefore, the point of dispute referred for adjudication has been taken as the issue for the Reference.

4. As the I Party have remained absent and as the II Party only have filed their counter statement, the learned counsel Sri K. J. Shetty appearing for the II Party has submitted that he has no oral evidence except his counter statement and accordingly has addressed arguments.

5. In the absence of the claim statement of the I Party and non-appearance of the I Party workmen in the dispute, the Reference is proceeded as if the I Party is on record, instead of placing the I Party ex-parte.

6. In their counter statement, the II Party have contended that the Reference is neither maintainable in law nor on facts and accordingly liable for rejection. As an alternative plea, the II Party have also contended that they decided to enhance the daily wages of the casual labourers/casual watchman employed by them at Rs. 2.40 to Rs. 3.85 (all inclusive) per day with effect from 1st November, 1974. In so far as the casual labourers who are covered by the Minimum Wages Act of 1948 (Central) and Rules thereunder the decision of the II Party was given effect from the date of their engagement or from 25th April, 1973 whichever is later. The decision of the II Party to give the benefit of enhancement of daily wages is only to the casual labourers who are covered under the Minimum Wages Act of 1948 and the Minimum Wages (Central) Rules and not to the casual labourers who are not covered under the above said Act and Rules.

7. In addition the II Party have also pleaded that the I Party workmen though employed as casual labourers in the II Party's establishment, they are not covered under the provisions of the Minimum Wages Act of 1948 and Minimum Wages (Central) Rules. That being the case, the claim of the I Party for enhancement of wages for the period from 25th April, 1973 to 31st October, 1974 is highly imaginary and not sustainable and therefore the claim of the I party is not justified. The II Party have also contended, the I Party cannot claim the benefits of arrears of wages for the period from 25th April, 1973 to 31st October, 1974 as they are not covered under the provisions Minimum

Wages Act and Minimum Wages (Central) Rules. Having contended accordingly the II party have sought for the rejection of the reference.

8. At the time of arguments, Sri K. J. Shetty, the learned counsel for the II Party has strenuously urged that I Party workmen employed in the Watch and Ward Department of the Bharat Gold Mines Limited are only casual labourers and however they cannot come under the purview of the "Workmen" as defined under the Mines Act of 1952. He has drawn my attention to the definition of "a person employed in a mine" which is under Section 2(h) of the Mines Act. Section 2(h) of the Mines Act is as under:—

"A person is said to be "employed" in a mine who works under appointment by or with the knowledge of the manager, whether for wages or not, in any mining operation or in cleaning or oiling any part of any machinery used in or about the mine, or in any other kind of work whatsoever incidental to, or, connected with, mining operations;"

9. So the contention of Sri K. J. Shetty, the daily wages of even the casual labourers including the persons employed in Watch and Ward Department have been subsequently increased as mentioned in the counter statement. His argument is that the I Party workmen who are all admittedly employed in the Watch and Ward Department cannot claim the arrears and so on. His main contention is that the persons employed in the Watch and Ward Department cannot be construed as workmen employed in the mining operations, placing reliance on the definition under section 2(h) of the Mines Act, he has contended that the nature of the work done by the persons employed in the Watch and Ward Department cannot be said to be incidental or connected with mining operations. He has also relied upon a decision of our High Court reported in AIR 1970 MYSORE 225 (The Management of Government Soap Factory, Bangalore-12 -Vs- The Presiding Officer, Labour Court, Bangalore) wherein their Lordships have told that the normal duties and functions of a Watchman in a Soap Factory were to look after the premises of the Factory and all the properties therein and to check at the gates of the Factories incoming and outgoing motor cars and cars and to search the employs of the Factory at ingress or egress. The relationship between the work done by the Watchman of the Factory and the manufacturing process or the subject of the manufacturing process is too remote to regard such work as being incidental to, or connected with the manufacturing process. Whether a Watchman comes within the definition of "Worker" must depend upon the nature of his work and whether such work has any approximate relations to the manufacturing process or the subject of the manufacturing process, does not depend on his service conditions. So in view of the above decision, as rightly contended by Sri K. J. Shetty for the II Party the employees of the Watch and Ward Department of the Bharat Gold Mines cannot be construed as "workers employed in a mine". In other words the nature of their duties are too remote to the mining operations and they are not incidental or connected with the mining operations.

10. Even otherwise, the I Party workmen who have sought for certain reliefs under this Reference have not taken any interest to appear before the Tribunal and file their claim statement. They have not even proved that they are workers employed in connection with the mining operations. Accordingly the contention of the II Party is to be upheld and is upheld holding that the I Party workmen, employed in the Watch and Ward Department of Bharat Gold Mines are not workers employed incidental to or connected with the mining operations. They being casual labourers cannot claim any reliefs which they have demanded in this Reference. Hence following award is passed.

AWARD

In view of the above, the Reference is liable for rejection accordingly an Award is passed rejecting the Reference. Order as to costs.

H. SHANMUKHAPPA, Presiding Officer

[No. L. 43011/3/78-D.III(B)]

A. K. ROY, Under Secy.

आदेश

[११४४] नई दिल्ली, 5 अप्रैल, 1980

का० प्रा० 1052.—मध्य प्रदेश राज्य खनन निगम, सतना के बहमोर खूना पत्थर खान के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, जिनका प्रतिनिधित्व सतना स्टोन एंड लाइम वर्कर्स यूनियन, सतना करती है, एक औद्योगिक विवाद विद्यमान है ;

और उक्त नियोजकों और कर्मचारों ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपबन्धों के अनुसरण में एक लिखित करार द्वारा उक्त विवाद को उम्में वशित व्यक्ति के माध्यस्थ्य के लिए निर्देशित करने का करार कर लिया है और उक्त माध्यस्थ्य करार की एक प्रति केन्द्रीय सरकार को भेजी गई है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (3) के अनुसरण में, केन्द्रीय सरकार उक्त माध्यस्थ्य करार को प्रकाशित करती है ।

करार

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन करार)

पक्षकारों के नाम

नियोजकों का प्रतिनिधित्व करने वाले : श्री जी० दुबे, खान प्रबंधक, बहमोर खूना पत्थर खान, मध्य प्रदेश राज्य खनन निगम, सतना ।
कर्मचारों का प्रतिनिधित्व करने वाले : श्री सी० एम० निशारी, महामंत्री, सतना स्टोन एंड लाइम वर्कर्स यूनियन, सतना ।

पक्षकारों के बीच निम्नलिखित औद्योगिक विवाद की धी ए० एम० गुप्ता, क्षेत्रीय धामायुक्त (केन्द्रीय), जबलपुर को माध्यस्थ्य के लिए निर्देशित करने का करार किया गया है ।

- विनिर्दिष्ट विवाद ग्रस्त विषय : "क्या मध्य प्रदेश राज्य खनन निगम, सीतापुर जिला, सतना की बहमोर लाइम स्टोन खान के श्रमिकों को दी गई मजदूरी उचित और गुणितरूप है या नहीं ? प्रत्येक मास में वे श्रमिक कितने अनुत्पाद के हकदार हैं और कितने रूप में ?"
- विवाद के पक्षकारों का विवरण, जिसमें अंतर्बलित स्थापना या उपक्रम का नाम और पता भी सम्मिलित है ।
1. प्रबन्धक, बहमोर खूना पत्थर खान, मध्य प्रदेश राज्य खनन निगम, सतना ।
2. महामंत्री, सतना स्टोन एंड लाइम वर्कर्स यूनियन, सतना ।
- यदि कर्मकार स्वयं विवाद में अन्तर्गस्त है तो उसका नाम प्रथम या यदि कोई संघ प्रश्नगत कर्मकार या कर्मचारों का प्रतिनिधित्व करता हो, तो उसका नाम
- प्रभावित उपक्रम में नियोजित कर्मचारों की कुल संख्या ।
(1) प्रबन्धतंत्र के अनुसार लगभग 200 ।
- विवाद द्वारा प्रभावित या सम्भावित : प्रभावित होने वाले कर्मचारों की प्रावकलित संख्या ।
(2) यूनियन के अनुसार लगभग 300 ।
जैसा-मव (iv) में बताया गया है ।

माध्यस्थ्य अपना पंचाट संबंधित सरकार द्वारा इस करार के भारत के राजपत्र में प्रकाशन की तारीख से तीन मास की कालावधि या इतने और समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा बढ़ाया जाएगा। यदि पूर्व-वर्णित कालावधि के भीतर पंचाट नहीं दिया जायगा। यदि माध्यस्थ्य के लिए निदेश स्वतः रद्द हो जाएगा और हम नए माध्यस्थ्य के लिए बातचीत करने को स्वतंत्र होंगे।

पक्षकारों के हस्ताक्षर

नियोजकों का, प्रतिनिधित्व करने वाले कर्मचारों का प्रतिनिधित्व करने वाले
ह०/—(डी० दुबे) ह०/—(सी० एम० गिबारी)
साक्षी

1. ह०/—एम० एम० चौधरी, सहायक श्रमायुक्त (केन्द्रीय), जबलपुर
2. ह०/—एम० जे० धारमिक, उच्च श्रेणी निषिक्त मार्फत क्षेत्रीय

श्रमायुक्त (केन्द्रीय) जबलपुर

तारीख: 8-2-80

स्थान: जबलपुर

प्रतिनिधि प्रेषित:

1. सहायक श्रमायुक्त (केन्द्रीय) जबलपुर
2. क्षेत्रीय श्रमायुक्त (केन्द्रीय), जबलपुर
3. मुख्य श्रमायुक्त (केन्द्रीय), नई दिल्ली
4. सचिव, भारत सरकार, श्रम मंत्रालय, नई दिल्ली

[संख्या एन०-29013/1/80-डी III (बी)]

ए० के० राय, प्रवर सचिव

ORDER

New Delhi, the 5th April, 1980

S.O. 1052.—Whereas an industrial dispute exists between the employer in relation to the management of Bahmore Lime Stone Mine of M.P. State Mining Corporation, Satna and their workmen represented by Satna Stone and Lime Workers Union, Satna;

And whereas, the said employers and workmen have, by a written agreement in pursuance of the provisions of the sub-section (1) of section 10-A of the Industrial Disputes Act, 1947, agreed to refer the said dispute to arbitration by the persons specified therein and a copy of the said agreement has been made available to the Central Government;

Now, therefore, in pursuance of sub-section (3) of section 10-A of the said Act, the Central Government hereby publishes the said Agreement.

AGREEMENT

Agreement under Section 10-A of the Industrial Disputes Act,

1947

BETWEEN

Names of the Parties

Representing employers.—Shri D. Dubey, Mines Manager, Bahmore Lime Stone Mine M.P. State Mining Corporation Satna.

Representing workmen.—Shri C. S. Tiwary, General Secretary, Satna Stone and Lime Workers Union, Satna.

It is hereby agreed between the parties to refer the following dispute to the arbitration of Shri A. S. Gupta, Regional Labour Commissioner (Central), Jabalpur.

(i) Specific matters in dispute

"Whether or not the wages paid to the workers of Bahmore Lime Stone Mine of M.P. State Mining Corporation at Sitpura Distt. Satna are fair and reasonable. In either case to what relief are these workers entitled and in what form."

(ii) Details of the parties to the dispute including the name and address of the establishment of undertaking involved.

(1) Manager, Bahmore Lime Stone Mine M. P. State Mining Corporation, Satna.

(2) General Secretary, Satna Stone and Lime Workers Union, 79/10, Krishna Nagar, Satna.

(iii) Name of the workman in case the himself is involved in the dispute or the name of the Union, if any, representing the workman or workmen in question.

General Secretary, Satna Stone and Lime Workers Union Satna.

(iv) Total number of workmen employed in the undertaking affected

(i) About 200 according to the management.

(ii) About 300 according to the Union.

(v) Estimated number of workmen affected or likely to be affected by the dispute.

As stated against item (iv).

The arbitrator shall make his award within a period of 3 months from the date of publication of this agreement in the Official Gazette by the appropriate Government or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the parties :—

Sd/-
Representing employer (D. Dubey)

Representing workman

Sd/-
(C. S. TIWARY)

Witnesses :

(1) Sd/- (S. S. Choudhry) ALC(C), Jabalpur.

(2) Sd/- (N. J. Dharmik), UDC, C/o. the RLC(C), Jabalpur.

Date 8-2-80, Place : Jabalpur

Copy to :—

(1) The Assistant Labour Commissioner (Central), Jabalpur.

(2) The Regional Labour Commissioner (Central), Jabalpur.

(3) The Chief Labour Commissioner (Central), New Delhi.

(4) The Secretary to the Government of India, Ministry of Labour, New Delhi.

[No. L-29013/1/80-D.III.B

A. K. ROY, Under Secy.

New Delhi, the 3rd April, 1980

S.O. 1053.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bangalore, in the industrial dispute between the employers in relation to the management of New Mangalore Port, Panambur and their workmen, which was received by the Central Government on the 26th March, 1980.

**BEFORE THE INDUSTRIAL TRIBUNAL IN
KARNATAKA, BANGALORE**

Dated, the 18th March, 1980

PRESENT :

Sri H. Shanmukhappa, B.A., B.L., Presiding Officer.

Central Reference No. 2 of 1979

I PARTY :

Workmen represented by The General Secretary, Kanara Port Workers Union, K. S. R. M. Trust Building, Light House Hill Road, Mangalore-575001.

Versus

II PARTY :

The Chief Engineer & Administrator, New Mangalore Port, Panambur (S.K.).

APPEARANCES :

For the I Party—Sri Eric Sequeira, Advocate, Mangalore.

For the II Party—Sri J. F. B. Frank, Advocate, Mangalore.

REFERENCE

(Government Order No. L-45011(1)/79-D.IV(A) dated 18-9-79)

AWARD

The Central Government being of opinion that an industrial dispute existed between the employers in relation to the management of New Mangalore Port, Panambur and their workmen and the same has been referred to this Tribunal for adjudication under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947, in their Order No. L-45011(1)/79-D.IV(A) dated 18th September, 1979 on the following points of dispute :—

“Whether the demand made by the Kanara Port Workers Union, Mangalore, for revision of scales of pay of Drivers and Firemen Drivers employed by the management of New Mangalore Port is justified? If so, to what relief are the concerned workmen entitled?”

2. The claim of the I Party relates to the revision of scales of pay of the Drivers and Firemen Drivers working in the New Mangalore Port. According to the I Party, the drivers of the New Mangalore Port have put in more than 15 years since the commencement of the port work. But their pay scales have not at all been changed when compared to the scale of pay of the workers working in Tuticorin Port which is also similar to the New Mangalore Port in all respects. The Heavy Motor Vehicle drivers at Tuticorin Port are in the scale of Rs. 320 to 400 with effect from 1st January, 1973 while the drivers working similar work in the Mangalore Port and who also possess valid licence could drive Heavy Motor Vehicles are paid only in the scale of Rs. 260 to Rs. 350 though they are Heavy Motor Vehicle drivers. It is further stated that the scale of pay of two different categories of drivers at Tuticorin Port before revision was (a) Rs. 125—155 for Heavy Motor Vehicle drivers and (b) Rs. 110 to 155 for Light Motor Vehicle drivers. The Third Pay Commission equated the pay scale of Rs. 125—155 of Heavy Motor Vehicle drivers to Rs. 320—400 and Rs. 110 to 155 to Rs. 260—350 of the Light Motor Vehicle drivers of Tuticorin Port.

3. On the other hand at New Mangalore Port there has been only one scale of pay i.e., Rs. 110—155 for all drivers (Heavy as well as Light Motor Vehicle licensed drivers) equated to Rs. 260—350 as per the recommendation of the Third Pay Commission. They have also stated that Heavy Motor Vehicle licensed drivers have no promotional avenues and in addition to their normal duties, they have also to operate forklifts, Tractors etc. At the time of recruitment of these drivers, the II Party insisted that they should possess valid licence to drive Heavy Motor Vehicles. As a result of injustice caused to some of the drivers whereas the Heavy Motor Vehicle drivers in Tuticorin Port were paid higher pay since 1st January, 1973. Therefore they have prayed for payment of higher pay scales of Rs. 320—400 with effect from 1st January, 1973 to the drivers of the II Party. It is further stated that the II Party being satisfied with the demand of the I Party, suo moto wrote to Government that all the drivers should be upgraded to Rs. 320—400 in view of the fact that all the drivers are holding Heavy Motor Vehicle

licence and their duties are interchangeable, etc. As the Government did not agree with the recommendation of the Third Pay Commission, the I Party raised an industrial dispute and ultimately the conciliation failed and so on.

4. In their Counter Statement the II Party have contended that the pay scales of Drivers and Firemen Drivers is determined in accordance with the relevant Recruitment Rules and any changes in the pay scales require the sanction of the Government. In the circumstances the matter had been taken up with the Ministry of Shipping and Transport, Government of India for their necessary orders. But however the said Ministry was not agreed with the II Party Management for the revision of pay scales of the drivers and firemen drivers of the II Party. Therefore the II Party have contended that unless there is approval from the Government of India by the Ministry, the revision of pay scales sought for by the II Party cannot be granted.

5. The only point of dispute that has been referred for adjudication is taken as issue in the case.

6. The I Party have examined one witness as WW-1 and have marked one document as Ext. W-1 which is the failure report of the conciliation proceedings. The II Party have not examined any witnesses on their behalf.

7. The gist of evidence of WW-1 Kumaran, the Secretary of the I Party Union is to the effect that prior to 1st January, 1973 the pay scale of drivers driving heavy vehicles was Rs. 110-3-131-EB-4-155. There was a pay revision from 1st January, 1973 and the said pay scale was equated to the scale of Rs. 260-6-326-EB-8-350. According to him, at Mangalore Port they have not differentiated the drivers as Light Vehicle drivers and Heavy Vehicle drivers and as a matter of fact all the 40 drivers working in the II Party Port are possessing Heavy Vehicle driving licences and most of them have put in a service ranging from 15 to 16 years. Most of them drive heavy vehicles and in addition there are 3 Firemen drivers who drive fire engines which are also heavy vehicles and they too possess Heavy Vehicle licences. He has stated that the drivers in Tuticorin Port are in 2 categories viz., Heavy Motor Vehicle drivers and Light Motor Vehicle drivers. He has also stated that Heavy Motor Vehicle drivers are being paid in the pay scale of Rs. 320-6-326-8-390-10-400 at the Tuticorin Port after the revision. Thus he has sworn that there has been disparity in wages of Heavy Motor Vehicle drivers at Tuticorin and Mangalore Port and therefore they have raised an industrial dispute. He has also stated that Tuticorin Port and New Mangalore Port were started simultaneously and they are two different establishments under the same employer viz., the Ministry of Shipping and Transport, Government of India, New Delhi and the nature of Heavy Motor Vehicle drivers at both the ports is one and the same and similar.

8. From the above evidence, the short point for consideration is whether the Heavy Motor Vehicle drivers and Firemen drivers employed in the II Party-Management at New Mangalore Port are entitled to the pay in the scale of Rs. 320—400 with effect from 1st January, 1973 which is the pay scale for similar drivers in the Tuticorin Port. From the perusal of the counter statement of the II Party it is seen that the II Party do not appear to have any objection for paying the similar pay scale to the drivers of the II Party, provided the Government of India who is the employer agrees and approves it. Admittedly, the II Party-Management had made recommendation to the Ministry of Shipping, Government of India, for equating the pay scales of the Heavy Motor Vehicle drivers of their establishment to that of the pay scale of Heavy Motor Vehicle drivers of the Tuticorin Port. As a matter of fact, the Government of India do not appear to have agreed to the proposal.

9. From the evidence, from the documents filed and from the statements of the parties, there is no dispute that the nature of work and duties of the Heavy Motor Vehicle drivers in the Port of Tuticorin and New Mangalore is the same and similar. There is no dispute that all the 40 drivers working in the New Mangalore Port possess Heavy Motor Vehicle driving licences. There is also no dispute that the Heavy Motor Vehicle drivers drive the light vehicles also. It is not disputed by the II Party that all the drivers working at New Mangalore Port possess Heavy Motor Vehicle driving licences and they are all literates and their duties are transferable. There is no dispute that the posts of drivers and firemen drivers at Tuticorin Port and New Mangalore Port are practically same. Besides it has also been stated that there has been revision in the pay scales of the Heavy Motor Vehicle drivers

working in the Tuticorin Port from 1st January, 1973 and from that day they are being paid wages in the pay scales of Rs. 320—400.

10. When there is no dispute whatsoever and when it is agreed and admitted that the nature of the duties and work that the Heavy Motor Vehicle drivers working in the Tuticorin Port are same and similar to the nature of work of the Heavy Motor Vehicle drivers working in the New Mangalore Port and further when the employer of both these establishments is the Government of India, there should not be any disparity between the pay scales of the Heavy Motor Vehicle drivers working in one port to the pay scales of Heavy Motor Vehicle drivers working in another port. Even as per Ext. M-1 which is marked by consent and which is a certified copy of the Recruitment Rules for the posts of Lorry drivers and Jeep drivers, the educational qualification prescribed and the type of the licences to be possessed is one and the same. As per certified copy of the Extraordinary Gazette dated 25th January, 1974 filed by the I Party, the pay scales of drivers (Lorry and Bus), Road Roller driver, Jeep driver, Tractor driver have been revised. As already stated even according to the gazette notification, the pay scale of Heavy Motor Vehicle drivers has been revised to Rs. 320-6-326-8-390-10-400 from 1st January, 1973. There is no dispute over this fact. Further, it is the principles of natural justice require that workers doing similar and same nature of duties must be paid equal and same wages. Even with regard to this case, we have to take into consideration the wage structure prevailing in the comparable concerns, namely, Tuticorin Port. This principle is laid down in 1972 F.J.R. (Vol. 42) page 187. I am supported for this proposition by a decision reported in 1962 II L.L.J. 366.

11 Therefore, on a careful consideration of the oral and documentary materials and the admitted facts and the Gazette Notification, it is proved that Heavy Motor Vehicle drivers at Tuticorin Port are paid in the pay scale of Rs. 320—400. When the Heavy Motor Vehicle drivers in the New Mangalore Port who possess similar driving licences and doing similar nature of duties they should also be paid same wage scales. It is thus clear that there is a disparity between the pay scales of Heavy Motor Vehicle drivers working in Tuticorin Port and New Mangalore Port and thus disparity must end. In this case, the I Party have sought for a pay scale of Rs. 320—400 from 1st January, 1973 to the Heavy Motor Vehicle drivers working in the New Mangalore Port which is same pay scale paid to the Heavy Motor Vehicle drivers working in the Tuticorin Port. In view of the existing disparity of the pay scale, the I Party-workmen are fully justified in demanding the revised pay scale and accordingly the following Award is passed.

AWARD

In the result, the Reference is allowed holding that the drivers and firemen drivers possessing Heavy Motor Vehicle driving licences employed by the Management of the New Mangalore Port are entitled to the pay scale of Rs. 320-6-326-8-390-10-400 from 1st January, 1973. Ordered accordingly. No order as to costs.

H. SHANMUKHAPPA, Presiding Officer
[No. L-45011(1)/79-D.IV(A)]

New Delhi, the 7th April, 1980

S.O. 1054.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Bombay, in the industrial dispute between the employers in relation to the management of Messrs Martek Associates Bombay-400009 and their workmen, which was received by the Central Government on the 27th March, 1980.

BEFORE THE CENTRAL GOVERNMENT LABOUR COURT NO. 1, BOMBAY

PRESENT :

Justice C. T. Dighe Esqr., B.A. (Hons.) LL.M.

Reference No. CGIT-21 of 1977

PARTIES :

Employers in relation to M/s. Martek Associates.
Bombay.

AND

Their Workmen

APPEARANCES :

For the employers.—Shri S. V. Godbole, Managing Partner.

For the Workmen.—Shri S. R. Wagh, Advocate.

STATE : Maharashtra INDUSTRY : Ports and Docks
Bombay, dated the 12th March, 1980

AWARD

The Government of India, Ministry of Labour by their order No. L-31011(7)/77-D.IV(A) dated 24th October, 1977, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred to this Industrial Tribunal, for adjudication an industrial dispute existing between the employers in relation to the management of M/s. Martek Associates, Bombay-400 009 and their workmen in respect of the subject matter specified in the following schedule :

- (i) "Whether the action of the management of M/s. Martek Associates, Bombay-9 in closing down the establishment with effect from the 1st April, 1977 is justified? If not, to what relief are the workmen entitled?
- (ii) Whether the demand of the workmen that the employee rendered idle as a result of closure of Messrs Martek Associates. Bombay-400 009 with effect from 1st April, 1977 be employed in the services of Messrs Martek Engineering Works, Bombay is justified? If so, to what relief are the workmen entitled?
- (iii) Whether the demands of the workmen relating to scales of pay, dearness allowance, house rent allowance, etc. as listed in the Transport and Dock Workers' Union's letter No. TD/87/331/77 dated the 7th March, 1977 addressed to Messrs Martek Associates is justified? If so, to what relief are the workmen entitled and with effect from what date?"

The claim statement was filed on behalf of the workmen by the Transport and Dock Workers' Union, Bombay. The management also filed a statement, opposing the demands put forward by the workmen.

2. However, it seems an amicable settlement was reached between the parties to the reference. Advocate, Mr. Wagh on behalf of the Union has intimated this Tribunal today i.e. 12-3-1980, that the workmen concerned have accepted the compensation and the Union does not want to pursue the reference. This is accepted by the management also. In view of it the reference will have to be disposed of as the the workers do not have any claim against the management. Therefore, the following order is passed :

ORDER

The workers have settled the matter and have accepted the compensation. The do not want to pursue the reference. The same is therefore treated as disposed of.

C. D. DIGHE, Presiding Officer.
[No. 31011(7)/77-D.IV(A)]

प्रवेश

नई दिल्ली, 9 अप्रैल, 1980

का० प्रा० 1055.—प्रशासनिक निकाय, कलकत्ता गोदी श्रमिक बोर्ड के प्रबन्धसंघ से संबंधित नियोजकों और उनके कर्मचारों के बीच, जिनका प्रतिनिधित्व कलकत्ता पोर्ट एंड डॉक वर्कर्स यूनियन, कलकत्ता डाक वर्कर्स यूनियन डॉक श्रमिक एसोसिएशन और नेशनल यूनियन आफ वाटरफ्रंट वर्कर्स, कलकत्ता करती है, एक औद्योगिक विवाद विद्यमान है ;

और उक्त नियोजकों और उनके कर्मचारों ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के अधीन एक लिखित करार द्वारा उक्त विवाद को माध्यस्थ के लिये निर्देशित करने का करार कर लिया है और उक्त अधिनियम की धारा 10-क की उपधारा (3) के अधीन उक्त माध्यस्थ करार की एक प्रति केन्द्रीय सरकार को भेजी वी है ;

अतः, अब, उक्त अधिनियम की धारा 10-क की उपधारा (3) के उपबन्धों के अनुसरण में, केन्द्रीय सरकार उक्त माध्यस्थ करार को, जो उसे 31 मार्च, 1980 को मिला था, एतद्वारा प्रकाशित करती है।

करार

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन) पक्षकारों के नाम

नियोजकों/प्रशासनिक निकाय का प्रतिनिधित्व करने वाले कर्मचारों का प्रतिनिधित्व करने वाले	श्री के० के० नमकर, प्रशासनिक निकाय कलकत्ता गोदी श्रमिक बोर्ड
	1. कलकत्ता पोर्ट एंड डाक वर्कर्स यूनियन
	2. कलकत्ता डॉक वर्कर्स यूनियन
	3. डॉक श्रमिक एसोसिएशन, कलकत्ता
	4. नेशनल यूनियन आफ वाटरफ्रंट वर्कर्स।

पक्षकारों के बीच निम्नलिखित औद्योगिक विवाद को श्री के० एम० कोहली, संयुक्त प्रबंधक (पोर्ट आपरेशन), भारतीय छाद्य निगम, कलकत्ता के माध्यस्थ के लिए निर्देशित करने का करार किया गया है।

(1) विनिर्दिष्ट विवादग्रस्त विषय :
माध्यस्थ का विचारार्थ विषय

क्या मजदूरी संशोधन समिति की सिफारिश के संदर्भ में जनरल पर्पज मजदूर, उनके टिन्डल और बर्द्ध, गोदी लिफ्टीय एवं पर्यवेक्षी श्रमिक, शिपिंग तथा पेंटिंग श्रमिकों के "ए", "बी" और "बीबी", वर्गों के पंजीकृत श्रमिकों की 1-1-74 (पूर्व-डब्ल्यू० आर० सी०) की वर्तमान दैनिक मूल मजदूरी को 30 द्वारा गुणा किया जाना चाहिये, जैसा कि श्रमिकों द्वारा डब्ल्यू० आर० सी० बेतनमानों में फिटमेंट के लिए अपेक्षित उनकी कल्पित मासिक मूल मजदूरी के लिए सुझाया गया और क्या फिटमेंट के पश्चात उनकी संशोधित दैनिक मूल मजदूरी निर्धारित करने के लिये उनके मासिक मूल बेतन को 26 द्वारा भाग दिया जाएगा।

(ख) क्या उक्त मामले के संबंध में सहायता, यदि दी गई, पूर्वपिकी तारीख अर्थात् 1-1-77 से या भावी तारीख से दी जाएगी।

(2) विवाद के पक्षकारों का विवरण, जिसमें अंतर्बलित स्थापन या उपक्रम का नाम और पता भी सम्मिलित है।

(क) प्रशासनिक निकाय, कलकत्ता गोदी श्रमिक बोर्ड, 20, प्रबुल हमीय स्ट्रीट, कलकत्ता-700069।

(ख) कलकत्ता पोर्ट एंड डॉक वर्कर्स यूनियन, 27-बी, सर्कल गार्डन रीच रोड, कलकत्ता-700023।

(ग) कलकत्ता डॉक वर्कर्स यूनियन, 27-बी, सर्कल गार्डन रीच रोड, कलकत्ता-700023।

(घ) डॉक श्रमिक एसोसिएशन, कलकत्ता 4, रामकमल स्ट्रीट, कलकत्ता-700023।

(ङ) नेशनल यूनियन आफ वाटरफ्रंट वर्कर्स, 15, कोल डाक रोड, कलकत्ता-700045।

(3) श्रमिक का नाम, यदि वह स्वयं विवाद में अंतर्बलित है या यदि कोई संघ प्रत्यक्ष कर्मचारों, या कर्मकार का प्रतिनिधित्व करता हो तो उसका नाम।

(क) कलकत्ता पोर्ट एंड डॉक वर्कर्स यूनियन
(ख) कलकत्ता डाक वर्कर्स यूनियन
(ग) डाक श्रमिक एसोसिएशन, कलकत्ता
(घ) नेशनल यूनियन आफ वाटरफ्रंट वर्कर्स } अंतर्बलित यूनियनों

(4) प्रभावित उपक्रम में नियोजित कर्मचारों की कुल संख्या 1-11-1979 को 8998

(5) विवाद द्वारा प्रभावित या संभाव्यतः प्रभावित होने वाले कर्मचारों की प्राक्कलित संख्या : 2679

हम यह करार भी करते हैं कि माध्यस्थ का विनिश्चय हम पर बंधवश कर होगा। माध्यस्थ अपना पंचाट तीन मास की कालावधि या इतने और समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा बढ़ाया जाए, देगा।

ह०/—

(के०के० नमकर)

नियोजकों/प्रशासनिक निकाय का प्रतिनिधित्व करने वाले,
कलकत्ता गोदी श्रमिक बोर्ड

ह०/—

(प्रशांत कुमार दत्ता)

जनरल सेक्रेटरी, कलकत्ता पोर्ट तथा डॉक वर्कर्स यूनियन, 27-बी सर्कल गार्डन रीच रोड, कलकत्ता -700023

ह०/—

(डब्ल्यू० ए० आजाद)

संयुक्त सचिव, कलकत्ता डाक वर्कर्स यूनियन के लिए और उनकी ओर से

ह०/—

(राबिन मजुमदार)

अध्यक्ष, गोदी श्रमिक एसोसिएशन, कलकत्ता।

ह०/—

(जानकी मुखर्जी)

जनरल सेक्रेटरी, नेशनल यूनियन आफ वाटरफ्रंट वर्कर्स।

तारीख कलकत्ता

25 मार्च, 1980

[संख्या एन 32013/1/80-डी० 4(ए)]

नन्द लाल, डेस्क अधिकारी

ORDER

New Delhi, the 9th April, 1980

S.O. 1055.—Whereas an industrial dispute exists between the employers in relation to the management of Administrative Body, Calcutta Dock Labour Board and their workmen represented by the Calcutta Port & Dock Workers' Union,

Calcutta Dock Workers' Union, Dock Shramik Association and National Union of Waterfront Workers, Calcutta;

And, whereas, the said employers and their workmen have by a written agreement under sub-section (1) of Section 10A of the Industrial Disputes Act, 1947 (14 of 1947) agreed to refer the said dispute to arbitration and have forwarded to the Central Government under sub-section (3) of Section 10A of the said Act, a copy of the said arbitration agreement;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said agreement which was received it on the 31st March, 1980.

AGREEMENT

(Under Section 10A of the Industrial Disputes Act, 1947).

BETWEEN

Name of the parties :

Representing employers/Administrative Body.—Shri K. K. Naskar, Administrative Body, Calcutta Dock Labour Board.

Representing workmen/workman.—(1) Calcutta Port & Dock Workers' Union.

(2) Calcutta Dock Workers' Union.

(3) Dock Shramik Association, Calcutta.

(4) National Union of Waterfront Workers.

It is hereby agreed between the parties to refer the following dispute to the arbitration of Shri K. S. Kohli, Joint Manager (Port Operation), Food Corporation of India, Calcutta.

(i) Specific matters in dispute:

Terms of reference for the arbitrator :

(a) Whether in the context of the recommendation of the Wage Revision Committee the existing Daily Basic wages as on 1-1-1974 (Pre-WRC) of the registered workers in the categories of General Purpose Mazdoors, their Tindals and Carpenters, Dock Clerical & Supervisory Workers, 'A', 'B' and 'BB' categories of Chipping and Painting workers should be multiplied by 30 as proposed by the workers for the purpose of their national monthly basic wage required for fitment into W.R.C. scales of pay and whether, after fitment, the monthly basic pay shall be divided by 26 for determination of their revised daily basic wages.

(b) Whether any relief, if awarded, on the above issue would be from retrospective date i.e. from 1-1-74 or prospectively.

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved :

(a) Administrative Body, Calcutta Dock Labour Board, 20, Abdul Hamid Street, Calcutta-700069.

(b) Calcutta Port & Dock Workers' Union, 27-B, Circular Garden Reach Road, Calcutta-700023.

(c) Calcutta Dock Workers' Union, 27-B, Circular Garden Reach Road, Calcutta-700023.

(d) Dock Shramik Association, Calcutta, 4, Ramkamal Street, Calcutta-700023.

(e) National Union of Waterfront Workers', 15, Coal Dock Road, Calcutta-700045.

(iii) Name of the workman in case he himself is involved in the dispute or the name of the Union, if any, representing the workmen or workman in question :

- | | |
|--|-------------------|
| (a) Calcutta Port & Dock Workers' Union | } UNIONS INVOLVED |
| (b) Calcutta Dock Workers' Union | |
| (c) Dock Shramik Association, Calcutta | |
| (d) National Union of Waterfront workers | |

(iv) Total number of workmen employed in the undertaking affected :

8998 as on 1-11-79.

(v) Estimated number of workmen affected or likely to be affected by the dispute :

2679

We further agree that the decision of the arbitrator be binding on us. He shall make his award within a period of three months or within such period as is extended by mutual agreement between us in writing.

Sd/-

(K. K. NASKAR)

Representing employers/

Administrative Body,

Calcutta Dock Labour Board.

Sd/-

(Prasanta Kumar Dutta)

General Secretary,

Calcutta Port & Dock Workers'

Union, 27-B, Circular Garden

Reach Road, Calcutta-700023.

Sd/-

(W. A. Azad)

Joint Secretary,,

For & on behalf of

Calcutta Dock Workers' Union.

Sd/-

(Rabin Mazumdar)

President,

Dock Shramik Association ,

Calcutta.

Sd/-

(Janaki Mukherjee)

General Secretary,

National Union of Waterfront

Workers.

Dated, Calcutta.

The 25th March, 1980.

NAND LAL, Desk Officer

[No.L-32013/1/80-D.IV(A)]

New Delhi, the 5th April, 1980

S.O. 1056.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Saunda Colliery of Central Coalfields Limited, Post Office Saunda, District Hazaribagh and their workmen, which was received by the Central Government on the 27th March, 1980.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD

PRESENT

Shri J. P. Singh

Presiding Officer

Reference No. 41 of 1979

In the matter of an industrial dispute under S. 10(1)(d) of the I. D. Act, 1947.

PARTIES

Employers in relation to the management of Saunda colliery of Central Coalfields Limited, Post office Saunda, District Hazaribagh.

AND

Their workmen.

APPEARANCES :

On behalf of the employers : Shri T. P. Choudhury, Advocate.

On behalf of the workmen : Shri B. K. Lath, Advocate.
STATE : BIHAR. INDUSTRY : COAL

Dhanbad, 21st March, 1980

AWARD

The Central Government by notification No. L-20012/64/78-D III(A) dated 28th June, 1979 has referred the under-mentioned dispute for adjudication by this Tribunal as per schedule mentioned below :

SCHEDULE

"Whether the action of the management of Sounda colliery of Central Coalfields Limited, Post Office Saunda, District Hazaribagh in retiring Shri Sonnu Mahato, Miscellaneous Mazdoor from 8th February, 1978 is justified ? If not, to what relief is the said workman entitled ?"

Sonnu Mahato was appointed as a miner in 1960 in Sounda colliery of M/s. N.C.D.C. His age at the time of appointment was not recorded in Form B register. In the C.M.P.F. record also the management did not mention the date of his birth. The management constituted an Age Committee consisting of colliery Manager, Welfare Officer and Medical Officer who wrongfully determined his date of birth to be 9-2-1918. Thereafter the management served a letter No. Sun/Retirement/77/355 dated 7-10-77 on Sonnu Mahato containing notice of retirement and the date of retirement mentioned was 9-2-78. According to the concerned workman his date of birth was arbitrarily and wrongfully ascertained by the management. It was also stated in the written statement that the management had no right to retire a workman even after the age of 60 if he is medically fit. His prayer that his retirement should be declared as illegal and he should be reinstated in the original job with full back wages. Thereafter the management served a letter No. Sun/Retirement/77/355 dated 7-10-1977 on Sonnu Mahato containing notice of retirement and the date of retirement mentioned was 9-2-1978. According to the concerned workman his date of birth was arbitrarily and wrongfully ascertained by the management. It was also stated in the written statement that the management had no right to retire a workman even after the age of 60 if he medically fit. His prayer that his retirement should be declared as illegal and he should be reinstated in the original job with full back wages.

Sounda colliery is under the Central Coalfields Limited and the written statement of the management discloses that the concerned workman, Sonnu Mahato has been retired from 8-2-1978 at the age of 60 years which is the date of retirement and therefore he is not entitled to any relief whatsoever. According to the management Sonnu Mahato was appointed as a miscellaneous mazdoor in Sounda colliery on 1-9-1961. His date of birth was not noted in his service sheet as he did not supply the same to the management at the time of his appointment. Sonnu Mahato further did not declare his date of birth in Form A under the C.M.P.F. Scheme. Faced with such a situation the system evolved by the N.C.D.C. was that an Age Committee was formed consisting among others Medical Officer for the purpose of determining the age. An Appellate Committee was also constituted to hear the grievances of the workmen against the decision of the Age Committee. Such committee were formed in pursuance of an award of the Central Government Industrial Tribunal in a dispute relating to the Giridih group of collieries of the then NCDC Ltd. The system was later on extended to other collieries including Sounda. Since Central Coalfields Limited has replaced NCDC Ltd. the same system is continuing. In the instant case the Age Committee determined the age of Sonnu Mahato in absence of any proof of age given by him at the time of his appointment and later on when he became a member of C.M.P.F. Scheme. He was examined by the Doctor and two other members of the committee and then his date of birth was fixed as 9-2-1918. The concerned workman did not raise any grievance before the Appellate Committee with the result that he was retired 8-2-1978. In view of the above the prayer of the management is to hold that Sonnu Mahato was validly retired w.e.f. 8-2-1978 and was therefore not entitled to any relief.

The management examined Dr. A. Alam, (MW. 1) who was the medical officer of Sounda colliery from 1971 to 1976. There was a permanent Age Committee in Sounda colliery and

MW. 1 as medical officer was a member. This committee was constituted on 29-12-72 through a letter Ext. M1 signed by Shri R. P. Singh, Dy. C. M. E. The committee examined the case of Sonnu Mahato on 3-9-75. After determining his age he and other 2 members of the committee signed the service sheet incorporating his date of birth. The service sheet is Ext. M2. He has said that the date of birth was recorded to be 9-2-1918. In the service sheet, Ext. M2, the workman put his thumb impression after his date of birth was determined. He identified the workman, Shri Sonnu Mahato in the court room. In his cross-examination he has said that from 1972 onwards to 1975 he had occasion to examine a very large number of workmen in the colliery in order to determine their age. He has further admitted that according to the medical jurisprudence the exact date, month, and year of a person beyond the age of 21 years is not possible to determine. Similarly from appearance and other things—the colour of the skin, the colour of the eyes, the formation of bones and other criteria in determining the age, it is not possible to give the exact date or the month or the year of birth of a person. He has further said that before him there was no other material except the physical appearance to assess the age of Sonnu Mahato. He had further examined the blood pressure, the eyes, teeth, condition of the skin, heart condition, blood condition, lung condition, vascular changes, urine and other physical examination like nervous system, etc. He has conceded that 9-2-1918 was determined after mutual discussions with the committee members.

The other witness is Shri G. S. Maulick (MW-2) who was posted in 1975 as colliery manager of Sounda South mine. He has supported the evidence of MW. 1. He has said that the date of birth of Sonnu Mahato was not recorded in his service sheet or in C.M.P.F. record, and therefore the Age Committee considered the case of the concerned workman on 3-9-1975, and fixed his age to be 9-2-1918. The entry was made in the service sheet, Ext. M2. He was in NCDC upto July, 1977. He was not able to remember whether there was any application from the concerned workman that his age was wrongfully determined. He has said that after his date of birth was mentioned, it was explained to him and the concerned workman put his thumb impressions on the service sheet. He has proved Ext. M3 which is Form B register and this does not contain the date of birth of Sonnu Mahato. In his cross-examination he has said that when the Age Committee was formed by virtue of Ext. M1, a circular was issued to all workmen whose date of birth had not been mentioned in the service sheet to appear before the committee to prove their age. The circulars are Exts. M4 and M5. No individual notice was served on the workman to produce evidence of age before the committee. The witness has said that Sonnu Mahato was examined by the medical officer and according to the opinion of the medical officer, Sonnu Mahato was 57 or 58 years of age approximately. The other 2 members had further discussions with the Doctor and thereafter the date of birth as on 9-2-1918 was fixed. He has further said that the identity card, Ext. W. 1 was issued to Sonnu Mahato. Sonnu Mahato however did not produce the identity card at the time when he was examined by the Age Committee.

M.W. 3, Shri A. K. Roy is the Welfare officer of Sounda colliery since 1973. He was a member of the Age Committee and he has supported the evidence of other two witnesses in the matter of determining the age of Sonnu Mahato. In his cross-examination he has said that after the age was determined Sonnu Mahato put his finger print impressions of all the ten fingers in Ext. M2. There is no other significant matter in his evidence.

On behalf of the workman, Sonnu Mahato, WW. 1 has been examined. His evidence is that he was appointed in 1960 as miner in Kursa Semana incline of Sounda colliery. He has said that at the time of his appointment he had given his age to be 36 years, but it was not recorded by the management. His identity card was prepared in 1962 in which his age was noted. But his evidence is that the officer who prepared the identity card made no enquiry from him about his age, and noted the age therein without any certificate. His further evidence is that when he was appointed in 1960 he was required to produce evidence of age, but he could not produce any, because all his papers had been burnt in his house fire in 1958. He has said that he had his horoscope among his burnt papers. In his cross examination he has said that his present age is 57 years. In his cross-examination he has said

that when the officer did not accept his age in absence of documentary evidence, he had protested in writing. He did not remember if mentioned his age when he applied to be a member of C.M.P.F.

The witness called for a number of documents from the management which were produced by the management and taken into evidence without formal proof. For instance there is an appointment letter dated 2-4-63, Ext. W.2 under which Sonnu Mahato was appointed as general mazdoor in category I. Ext. W.3 is the transfer order. Ext. W. 4 is a letter from Shri S. B. Singh, Assistant Labour Commissioner (C), Hazaribagh to the Secretary, Government of India, Ministry of Labour. It is dated 18-3-1978. It is failure report in the matter of conciliation.

The above is all the evidence produced in this case by the parties. Now let us consider whether the concerned workman was prematurely retired. The management has produced Form B register showing that the date of birth of Sonnu Mahato was not recorded therein. It is an admitted position that in the same P.F. papers no age of Sonnu Mahato had been mentioned. It is not a disputed fact that the concerned workman had provided the management with his date of birth at the time of appointment or when he became a member of the C.M.P.F. Scheme. On the other hand, it is an admitted position that he did not produce any evidence of age and therefore his date of birth could not be recorded in these papers. Ext. W. 1 has a column of date of birth in which "40 years" has been recorded. This identity card is dated 20-4-1962. If the concerned workman was aged 40 years in 1962, he would be 60 years in the year 1982. But in his evidence the concerned workman, Sonnu Mahato, WW. 1 has not accepted even this estimated age in the identity card to be correct when he says that the officer who prepared his identity card made no enquiries about his age. According to the management the mention of age by a particular officer of the management could not be a valid proof of age. So this identity card is neither relied upon by the management nor the workman as an adequate proof of his real age. In paragraph 12 of the written statement the concerned workman has mentioned that he had disclosed his date of birth to the management on 20-4-1962. There is no mention as to what was the age disclosed nor it is connected with any document. The written statement does not therefore show as to what was the age disclosed nor workman on the day when he was appointed. In his evidence he has said that he was appointed at the age of 36 years. According to this estimate he should complete 60 years in 1984. Now let us see what has been his case before the Assistant Labour Commissioner (C), Hazaribagh at the time of conciliation. In Ext. M8 which is the original petition of Sonnu Mahato before the Asstt. Labour Commissioner (C) Hazaribagh, he mentioned that at the time of his appointment in the year 1960 he was aged 30 years and the same was confirmed in the year 1965 as 35 years. On the basis of this application the A.L.C.(C) served a notice, Ext. M10 on the Dy. Chief Mining Engineer, Central Coalfields Ltd., P.O. : Sounda, Dist. Hazaribagh and also to Sonnu Mahato to appear before him for the purpose of conciliation. Now, if Sonnu Mahato was 30 years of age in 1960, he would complete 60 years in the year 1990. It will appear from the above that Sonnu Mahato has been representing different age at different times. While he was giving his evidence in this court, he gave his age at 57 years which means that he would be 60 sometimes in the year 1983. Calculating on the evidence scrutinised above, he would be attaining 60 years of age in 1982, 1983 and 1990. He has completely given a go-by to the estimate of age given in the identity card. The evidence of age given by him at various stages is highly contradictory and cannot be accepted. In Form B register and in the C.M.P.F. records no age has been mentioned because he failed to give any age before the management of his employer, NCDC. I have to mention here that after the age committee determined his age, he did not prefer an appeal but filed some petitions in which he challenged the findings of the Age Committee to be wrong. But even there he did not disclosed what was his correct age. From his attitude it appears that he has no idea about his age and his job is to find fault with the assessment of his age made by his employers for the purpose of fixing the date of his retirement.

Now, let us see what has been done by the employers in ascertaining his age. The Medical Officer and the 2 other witnesses examined by the management were all members of the Age Committee. The concerned workman appeared before them and even there he had an opportunity to get his correct

age recorded in the service sheet. The evidence is that the concerned workman did not produce any evidence of age nor gave any statement about that. On the other hand, the 3 members of the Committee, after discussions fixed a particular date of birth and after the same was explained to Sonnu Mahato, he put his finger impressions on the service sheet in token of acceptance of the same. Some time after he was served with a notice of retirement. It has been argued on his behalf that the age of Sonnu Mahato could not be determined by the Age Committee because it was not medically possible to do so. Scientifically speaking it is correct and the Doctor who had examined Sonnu Mahato physically has admitted so. But what has been is to make an rough assessment of his age and to fix a date of birth as working arrangement, in absence of any other proof produced by the concerned workman, Sonnu Mahato. I fail to understand what else could be done under the circumstances of the case, because if the age cannot be scientifically assessed, the Age Committee has got no other choice, but to make an estimate and in order to assess his age, I may mention that the employer is not expected to know the exact date of birth of a workman and it is the primary duty of the workman to disclose his age at the time of the appointment and even on subsequent date when required by the employer to do so. Sonnu Mahato did not disclose his age at the time of his appointment nor supplied his age at the time when he asked for enrolment of his name as a member of the C.M.P.F. Scheme. Even before the Age Committee he made no disclosure. The Age Committee therefore, had no option but to fix his date of birth in the best of their wisdom, and this is what they have done.

The learned Advocate appearing on behalf of the management has further submitted that although no date of retirement had been fixed under the Standing Orders, the same has been done by virtue of an award, a copy of which has been placed on the record of this case. This award was passed in which the labour union of which the concerned workman is a member, had participated. It is the case of the management that this award is applicable to all the collieries of the Central Coalfields Ltd. and it is now an accepted position that the date of retirement would be 60 years. Now this is what has been followed in the case of the concerned workman. The learned Advocate appearing on behalf of the concerned workman has conceded that the age of retirement would be 60 years. So this is no longer a controversial point. In such cases where no age has been provided by the workman, the Age Committee constituted for this purpose by the management was competent to determine the age and the same has been done by the Age Committee. The concerned workman did not appeal but only filed representation before the management when he received notice of retirement. The workman has not, therefore availed of the proper forum where he should have agitated the matter of his age, i.e. before the Appellate Committee.

This, having considered all aspects of the case, I have to hold that the action of the management of Sounda colliery of Central Coalfields Limited, Post office Sounda District Hazaribagh in retiring Shri Sonnu Mahato, Miscellaneous mazdoor from 8th February, 1978 is justified. The concerned workman is therefore, not entitled to any relief.

This is my award.

Sd/-

J. P. SINGH, Presiding Officer
[No. L. 20012/64/78-D. III(A)]

New Delhi, the 5th April, 1980

S.O. 1057.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Sijua Colliery of Messrs. Tata Iron & Steel Company Limited, Post Office Bhelatand, District Dhanbad and their workman, which was received by the Central Government on the 26th March, 1980.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1, DHANBAD

PRESENT :

Mr. Justice B. K. Ray, Presiding Officer.

In the matter of a reference under Sec. 10(1)(d) of the
Industrial Disputes Act, 1947

Reference No. 28 of 1978

(Ministry's Order No. 1-20012/152/78-D.III(A) Dt. 14-9-78)

PARTIES :

Employers in relation to the management of Sijua Colliery of M/s. Tata Iron and Steel Co. Limited, Post Office Bhelatand, Dist. Dhanbad.

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri S. S. Mukherjee, Advocate.

For the Workmen—Shri B. N. Sharma, Joint General Secretary, Janata Mazdoor Sangh.

State : Bihar.

Industry : Coal

Dhanbad, dated, the 18th March, 1980

AWARD

The reference made to this Tribunal is in following terms :

"Whether the action of the management of Sijua Colliery of Messrs. Tata Iron and Steel Company Limited, Post Office Bhelatand, District Dhanbad, in terminating the services of Shri Ramayan Thakur, Watchman, with effect from 1-2-1977, is justified? If not, to what relief is the workman entitled?"

2. After receipt of the reference parties were noticed and they filed their respective written statements. The case of the management is that Sri Ramayan Thakur, the concerned workman had been employed as a temporary Watchman in the year 1968 and was made permanent on 10-8-1970. During the month of July-August, 1976, some anonymous letters were received by Dr. S. C. Chawla, Pathologist, Tata Central Hospital, Jamadoba containing threats on his life as well as on the life of his family members. In the months of September 1976 the Security Department of the management detected that the above letters were written by the workman concerned. Thereafter when Sri Thakur was confronted with those anonymous letters he admitted himself to be the author of them. As this conduct of Sri Thakur who belonged to the Security Personnel of the management was found to be unbecoming, the management lost faith and confidence in him. As a result of this workman's services were terminated by letter dated 28-1-1977 with effect from 1-2-1977 by offering him one month's salary in lieu of notice as per conditions of his service mentioned in the certified Standing Orders. Such termination of service of the watchman being justified he is not entitled to any relief.

The case of the workman is that during the tenure of his service he had served the management faithfully and there had been no occasion when the management had to lose faith and confidence in him. While rendering service as a faithful workman the management unauthorisely terminated the services of the workman concerned summarily and arbitrarily with effect from 29-1-1977. The order of dismissal was in the garb of termination simpliciter. No reason had been given in the letter of termination of services of the workman and the order in the letter was an order of dismissal. The Chief Administrative Manager who signed the letter of termination of services had no authority to terminate the services of the workman concerned. The order of termination of services of the workman concerned does not fall under any of the three exceptions in Section 2(00) of the I.D. Act. The termination order, therefore, amounted to retrenchment and attracted provisions of Section 25F of the Act. Since the Provisions of Section 25F were not complied with the termination order must be held to be void. The termination of Sri Thakur's service is also mala fide. After termination of his service Sri Thakur raised an industrial dispute by his letter to the Divisional Manager (Collieries) of the company on 7th February, 1977. In the reply of the Divisional Manager it was admitted that Sri Thakur was dismissed for some vague misconduct which according to the company was thoroughly unbecoming of an employee be-

longing to the Security Department. This reply is conclusive proof of the fact that order of termination of services of the workman was not an order of termination simpliciter but was an order of dismissal for misconduct. The reply of the Divisional Manager having shown that the workman was dismissed from service for misconduct the order of dismissal was liable to be set aside inasmuch as no charge was served upon the workman and no enquiry was held into any allegation of misconduct. If the order of termination is taken to be an order of termination simpliciter it would amount to retrenchment and so non-compliance of Provisions of Sec. 25F of the Industrial Disputes Act would make the order of termination invalid and unenforceable. If the order of termination is taken to be an order of dismissal for misconduct the said order would be liable to be set aside, no charge having been served upon the workman and no enquiry having been made before passing the order of dismissal.

3. In course of hearing of the case the management has examined two witnesses of whom MW-1 is the Security Officer and MW-2 is Dy. Divisional Manager. On behalf of the workman only one witness has been examined who is the workman concerned. The evidence of MW-1 discloses that Dr. Chawla of the Central Hospital at Jamadoba once handed over three letters to the witness. The witness enquired as to who were the writers of those letters. In course of enquiry it was found that the workman concerned was the author of those letters. When the workman was confronted with those letters he admitted that he had written them. Each of these three letters which are exhibits M-4, M-5 and M-6 contains an endorsement in the hand and under the signature of the workman showing that he is the author of the letter. The endorsements have been marked as Ext. M-1, M-2 and M-3. According to MW-1 the Chief Mining Engineer had appointed the workman under appointment letter Ext. M-8. The designation of the Chief Mining Engineer was thereafter changed to Divisional Manager. The designation of Divisional Manager was again changed to General Manager. MW-1 further says that Chief Administrative Manager of Security Department is empowered to appoint and terminate the personnel of the said department. He has proved Ext. M-9 and M-10 under which power of appointment has been delegated. MW-1 also says that he sent somebody to call the workman concerned from his residence to confront him with those letters and that confrontation was made in his office. The witness has denied the suggestion that the endorsements in the anonymous letters are not in the hand and under the signatures of the workman concerned. MW-2 deposes that he is the person authorised to appoint personnel in the colliery of the Divisional Manager now designated as General Manager. The witness has proved Ext. M-14 the letter of authority authorising him to take over charge of administration. He has also proved Ext. M-11 showing that he had appointed one of the watchmen in the colliery. The witness deposes that the services of the concerned workman was terminated as he (MW-2) lost confidence. In the evidence the witness has also given reason how he lost confidence on the workman concerned. According to the evidence after considering the contents of the anonymous letters in the hand of the workman concerned he (the witness) lost confidence on the workman. Nothing has been elicited in cross-examination from this witness to discredit his testimony. MW-1 is the workman himself. He has simply denied that the anonymous letters were written by him and that endorsements in those letters were in his hand. He also denies the signatures below the endorsements in those letters to be his. He even goes to the extent of saying that Exts. M-4, M-5 and M-6 were never confronted to him. This is all the evidence in the case.

4. Mr. S. S. Mukherjee learned counsel for the management on the aforesaid evidence argues that there is nothing to disbelieve the evidence of the two witnesses examined on behalf of the management. The evidence of MWs. 1 and 2 establishes that the workman concerned had written the three anonymous letters threatening Dr. Chawla and the members of his family. It is also argued that on the basis of evidence of MW-1 it must be held that the contents of the three anonymous letters were shown to the workman who admitted that he had written those letters. It is further said that on the basis of evidence of MW-1 it has to be accepted that the endorsements on the three anonymous letters are in the hand of the workman concerned and that the endorsements bear his signatures. It is argued by Mr. Mukherjee that except a bare denial by the workman there is nothing on his side on the basis of which it can

be said that the two witnesses examined on behalf of the management are deposing falsely. So it is contended that actually it must be found that the workman wrote these anonymous letters threatening Dr. Chawla and the members of his family and that the workman himself admitted that he was the author of those letters.

It is then argued that certified Standing Orders Ext. M-13 contain the terms and conditions of service of the workman. Under paragraphs 13 and 14 of Ext. M-13 the management has the right to terminate the employment of a workman by an order of termination simpliciter after giving one month's notice of the employee is monthly paid staff or by making payment of wages for one month in lieu of notice. Paragraph 19 of the Standing Orders contains the provisions for suspension, fine or dismissal of workman for misconduct. Such being the provisions in the Standing Orders the management has always the right to terminate the services of any workman without assigning any reason after complying with provisions of Paragraphs 13 and 14. The Tribunal, according to Mr. Mukherjee, can pierce the veil and find out whether the order of termination simpliciter is mala fide or is the result of victimisation. On the material placed before the Tribunal, according to Mr. Mukherjee, there is nothing to show that the order of termination is either mala fide or is the result of victimisation. The evidence, according to the management in the case is almost one sided. This contention of Mr. Mukherjee requires careful scrutiny. So far as the factual aspect of the case is concerned I must agree with the contention of Mr. Mukherjee that the evidence led by the management fully establishes its case that the workman concerned wrote the three anonymous letters Exts. M-4, M-5 and M-6 threatening Dr. Chawla and the members of his family. I have also no hesitation in mind to hold that workman himself admitted that he was the author of those letters and that he made the endorsements Exs. M-1, M-2 and M-3 in his own hand and under his own signature in those letters. It is not disputed that the workman concerned belongs to the Security Department and as such he is to protect the life of the employees of the company and is to guard its property. That being so when a personnel in the Security Department of the company himself threatens other employee of the company as found in Exts. M-4, M-5 and M-6, he is bound to lose confidence and trust of the management. But merely because an order of termination of services of a workman on the face of it appears to be an order of termination simpliciter still the Tribunal has to go behind it in order to find out if the order is the result of bona fide exercise of power vested in the management or is a mere cloak to cover a case of victimisation. Mr. Mukherjee concedes to this position of law but submits that if the evidence led by the management is accepted there is nothing to show that the order of termination in question is not a bona fide exercise of power by the management or is the result of victimisation. This contention of Mr. Mukherjee has sufficient force. I have already said that evidence of the two witnesses examined by the management is trustworthy and on the basis of that evidence it must be held that the order of termination is a bona fide one and there is nothing to show that it is the result of victimisation.

Even if it is held that the order of termination is bona fide and not a case of victimisation, still then one more question remains to be answered in this connection. The question is whether the insertion of Paragraphs 13 and 14 in the certified Standing Orders Ext. M-13 is valid in law. In other words the question is whether paragraphs 13 and 14 of Ext. M-13 are ultra vires Industrial Employment (Standing Orders) Act, 1946. Sec. 2(g) of that Act defines Standing Orders to mean rules relating to matters set out in the schedule. Therefore the matters that are to be covered by the Standing Orders, and in respect of which an employer has to make a draft and to submit the same before the Certifying Officer are matters specified in the schedule. Under Sec. 4 the Standing Orders become certifiable if provisions are made therein for every matter set out in the schedule and they are not inconsistent with the provisions of the Act. Sec. 6 of the Act provides for an appeal and Sec. 7 lays down that the Standing Orders shall come into force on the expiry of 30 days from the date on which authenticated copies thereof are sent or where an appeal is preferred on the expiry of 7 days from the date on which copies of the appellate authority are sent under Sec. 6(2). The provisions also provide for every possible opportunity to the parties namely the employer and the employees for being

heard before Standing Orders are certified. It is not in dispute that the Standing Orders in the present case have not passed through the elaborate procedure provided in the Act. The question is if Paragraphs 13 and 14 of Ext. M-13 relate to matters covered in the schedule of the Act. If the answer to this question is in affirmative then the inevitable conclusion will be that the paragraphs 13 and 14 in Ext. M-13 are valid and enforceable. If the answer is in the negative then even in spite of all the formalities provided in the Act having been gone through the conclusion must be that paragraphs 13 and 14 of Ext. M-13 are ultra vires the Act and as such not enforceable. Paragraphs 8 and 9 of the Schedule to the Act may be extracted below:

"8. Termination of employment and notice thereof to be given by the employer and workmen.

9. Suspension, or dismissal for misconduct and acts or omissions which constitute misconduct."

These items relate to termination of employment and dismissal for misconduct. Item No. 9 is correlated with an act of misconduct while under item 8 there is no limitation to the power of termination of an employment. So provision could be made in the Standing Orders for every kind of termination not grounded upon misconduct. The word 'termination' in a broad sense means removal, dismissal, retrenchment, and ending employment by notice. In view of the fact that item No. 9 of the schedule refers to dismissal for misconduct, as a rule of construction 'termination' as provided in item No. 8 of the schedule would only refer to other actions by which service comes to an end. So it follows that a provision in the 'Standing Orders' for termination of service for a reason other than misconduct would be valid being in consonance with item No. 8 of the schedule. In the present case paragraphs 13 and 14 of Standing Orders Ext. M-13 deal with cases of termination not grounded by misconduct but with cases of termination on volition of parties. The necessary inference is that these provisions contained in paragraphs 13 and 14 of Ext. M-13 are covered by item No. 8 of the schedule to the Industrial Employment (Standing Orders) Act, 1946 and are hence valid. In a case reported in 33 FLR (1976) 153 (Gourhari Patra vs. P.O., Industrial Tribunal) Paragraph 31 of the Standing Orders of Hindustan Steel Limited, Rourkela providing for termination of employment not grounded on misconduct came for interpretation by a Division Bench of Orissa High Court and in that case their Lordships held that provisions regarding termination of service unconnected with misconduct would be covered by item No. 8 of the schedule to the Industrial Employment (Standing Orders) Act, 1946 and hence would be valid. In another case reported in I.L.R. 1974C uttack 892 (Md. Yasin vs. P.O. Industrial Tribunal) on a question as to whether a provision for termination of employment not grounded on misconduct in the Standing Orders of an industrial establishment it was held as follows:

"Take the case of an industrial establishment like Rourkela Steel Plant. In such an establishment, the management had been reliably informed that there is an employee who having regard to his past history and association is likely to indulge in activity which would amount to sabotage. The management should have power to remove such a person from the establishment because otherwise the security of the entire plant and establishment is at stake. Let it be assumed for the present that there is no specific entry in the schedule to cover such a case. But if provisions made in the Standing Orders in incorporating therein Standing Orders No. 31 (the certified Standing Orders of Hindustan Steel Limited, Rourkela) which is impugned in this case and the certifying officer and the appellate authority being satisfied about the fairness or reasonableness of the provision certified the same, can it be said that the Standing Order is bad merely because there is no specific provision in the schedule? It appears to us that it could not be reasonable to take such a view."

This being the established position of law as per the provisions of Industrial Employment (Standing Orders) Act, 1946 and as per the judicial pronouncements referred to above I have no hesitation to hold that paragraphs 13 and 14 of Ext. M-13 are valid being in consonance with item No. 8 of the schedule to the Act. Even in the absence of a provision as contained in item No. 8 of the schedule to the Act it would not be reasonable to throw out the said paragraphs as ultra vires the statute under which Standing Orders in the present case have been made, they having been certified by proper authority after undergoing the elaborate procedure laid down in the Industrial

Employment (Standing Orders) Act, 1946. In the present case the workman concerned who was a watchman belonging to the Security department of the management has been found to have lost confidence of the management as pointed earlier. That being so the management cannot be expected to retain the services of the workman who in the opinion of the management is no more trustworthy. Hence no fault can be found in the management if it terminates the services of such a workman by taking recourse to provision contained in paragraphs 13 and 14 of Ext. M-13 which are only reasonable provisions relating to termination of employment not grounded on misconduct.

6. The next question which calls for decision in the present case is as to whether as contended by the workman the order of termination amounts to an order of retrenchment and if so whether non-compliance with the provisions of Sec. 25F of the Industrial Disputes Act will render the order invalid. There is no dispute that provisions of Sec. 25F in the present case have not been complied with, and so therefore if the order of termination is held to be an order of retrenchment the mandatory provisions of Sec. 25F not having been complied with, the same has to be vacated. Reference in this connection may be made to definition of the word "retrenchment" as given in Sec. 2(o) of the I.D. Act which reads as follows:—

"retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include—

- (a) voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or
- (c) termination of the service of a workman on the ground of continued ill-health."

Emphasis is laid upon the words "for any reason whatsoever" appearing in the definition and on the basis of the same it is argued on behalf of the workman that these words in the definition are of widest amplitude, so as to include all terminations of employment except that covered by the exceptions in the definition and will include a case of termination simpliciter as in the present case. According to the definition retrenchment does not include a case of voluntary retirement or of retirement on reaching the age of superannuation or of termination of service on account of continued ill-health. Subject to these exceptions all other cases of termination of services of a workman will be, according to the workman, an order of retrenchment.

7. Sri B. N. Sharma appearing for the workman relies on the decision reported in 1976(1) LLJ.478 (State Bank of India Vs. Sundaramoney) for the proposition that an order of termination of services of a workman subject to the exceptions given in the definition itself will be an order of retrenchment. Reliance is placed on the following observation in the aforesaid decision.

"A break-down of Sec. 2(o) un-mistakably expands the connotations of retrenchment, "Termination.....for any reason whatsoever" are the key words. Whatever the reason, every termination spells retrenchment. So the sole question has the employee's service been terminated? Verbal apparel apart, the substance is decisive. A termination takes place where a term expires either by the active step of the master or the running out of the stipulated term. To protect the weak against the strong this policy of comprehensive definition has been effectuated. Termination embraces not merely the act of termination by the employer, but the fact of termination, howsoever, produced. May be, the present may be a hard case, but we can visualise abuses by employers, by suitable verbal devices, circumventing the armour of Sec.25F and Sec.2(o). Without speculating on possibilities, we may agree that "retrenchment" is no longer terra incognita, but area covered by an expansive definition. It means 'to end, conclude, cease' "Mr. Sharma for the workman also relies upon two other decisions of the Patna High Court reported in 1980 Lab. I.C. 119 (Mahabir V. K. Mital) and 1979 Lab. I.C. 990 (Sarjoo Prasad V. State Bank of India). These two decisions have followed the Supreme Court decision referred to above. On the authority of these decisions it is contended that even if the order of termination in the present case is held to have been passed in bona fide exercise of the

management's power reserved under the Standing Orders and is also found not to be the result of victimisation still then it must be held to be an order of retrenchment and as such the mandatory provisions of Sec. 25F not having been followed the same has to be set aside. In the case reported in 1980 Lab.I.C.119(supra) it was held by relying upon 1976(1) LLJ 478(supra) that an order of compulsory retirement of a workman in the Railway amounted to retrenchment defined in Sec. 2(o) of I.D. Act. The following paragraph from the judgment may be referred here :

"So far as the question as to whether the order compulsorily retiring the petitioner will amount to retrenchment, it has to be examined in some greater detail. In general parlance, retrenchment means the discharge of surplus labour of staff by the employer, otherwise than as a punishment. But, while defining the word 'retrenchment' the Act says that it will include termination by the employer "for any reasons whatsoever". This has been interpreted to mean that the word retrenchment used in the Act includes within its compass all types of terminations by the employer and the reasons leading to such terminations are irrelevant for all practical purposes. Reliance is also placed in the decision of the Supreme Court reported in 1977(1) LLJ.1 (Hindustan Steel Limited vs. State of Orissa) on behalf of the workman. In that case it was argued before their Lordships of the Supreme Court that the decision which was rendered in the case reported in 1976(1) LLJ.478 (supra) was in conflict with an earlier decision of the Supreme Court reported in 6 SCJ.1, 3621 (Hariprasad Shivshankar Shukla vs. A. D. Divelkar) It was further pointed out to their Lordships that the earlier decision of the Supreme Court being by a larger bench the subsequent decision required re-consideration. Justice A. C. Gupta delivering the judgment in 1977(1) LLJ.1 Supra, held after considering Sundaramoney' case (supra) as well as Hariprasad's case Supra as follows:—

"On the facts of the case before us, giving full effect to the words 'for any reason whatsoever' would be consistent with the scope and purpose of Sec.25F of the Industrial Disputes Act, and not contrary to the scheme of the Act. We do not find anything in Hariprasad's case which is inconsistent with what has been held in State Bank of India vs. N. Sundaramoney (supra). In other words in the case of Hindustan Steel Limited vs. State of Orissa 1977(1) LLJ.1 (supra) their Lordship clearly said that there was no conflict between Hariprasad's case and Sundaramoney's case. It follows therefore that in the context of facts and circumstances of Hariprasad's case as well as of Sundaramoney's case the decisions rendered by the Supreme Court were approved and it was held that there was no conflict between those two decisions. It may be mentioned in this connection that in Hariprasad's case reliance was placed by their Lordships of the Supreme Court in the case of Pipraich Sugar Mills Ltd. vs. P. S. M. Mazdoor Union reported in 1957(1) LLJ.235. No doubt in that decision the concept of the word 'retrenchment' was explained by their Lordships where there was no definition of the word 'retrenchment' in the I.D. Act. It was held in that case that the word 'retrenchment' must be given the meaning by which it is understood in ordinary parlance and that in ordinary parlance the word meant termination of services of surplus labour in a running industry. When the decision in Hariprasad's case was rendered true by then the word 'retrenchment' had been defined in the Act to include all terminations except those mentioned in the definition. In spite of this their Lordships said in Hariprasad's case (supra) that there would not be any retrenchment if it was the result of closure of the entire business. According to their Lordships to impart the meaning of 'retrenchment' as given in the definition into a case of termination which in the result of closure of the business itself would be against the scheme of the Act. It is because of this the Supreme Court in its decision reported in 1977(1) LLJ.1 said that there was no conflict between the decisions rendered in Sundaramoney's case (supra) and Hariprasad's case (supra). Mr. Mukherjee on behalf of the management, however, relies on the full bench decision of Kerala High Court reported in 1979(1) LLJ 211 (L. Robert D'Souza vs. Executive Engineer, Southern Railway) and contends that an order of termination of service of a workman has to be construed according to the facts and circumstances of each case. The law laid down by the Supreme Court in Pipraich Sugar Mills's case (supra) was accepted by the same court in Hariprasad's case. This has not been given a go bye in Sundaramoney's case and on the other hand in the

subsequent decision of the Supreme Court reported in *Hindustan Steel Ltd. Vs. State of Orissa* (supra) it has been held by Supreme Court that there is no conflict between the decision in Sundaramoney's case and the decision in Hariprasad's case. Relying on the full bench decision of Kerala High Court referred to above it is argued by Mr. Mukherjee that as mentioned in the Full Bench decision of Kerala High Court, Sundaramoney's case (supra) as well as Hindustan Steel Ltd. case (supra) dealt with questions of surplus labour and when the services of surplus labourer was terminated it was held in those cases that they were case of retrenchment. Where, however, there is no question of termination of the service of surplus labour and the termination is either the result of closure of the business or is a termination simpliciter in pursuance to the terms and conditions of the service contained in certified Standing Orders, it would not amount to an order of retrenchment and Hariprasad's case (supra) would hold the field. After giving careful thoughts to the contention of Mr. Mukherjee that an order of termination simpliciter as in the present case does not amount an order of retrenchment it is not possible to agree with him in view of the clear interpretation given to the word 'retrenchment' in Sundaramoney's case. A case of closure which was the subject matter for consideration in Hariprasad's case of course stands on a different footing. In Hariprasad's case the business had been closed and there was no running business. So far as Sundaramoney's case is concerned the business was a running one and there was no closure. The decision in that case cannot be compared with the decision in Hariprasad's case. In the case before me it is a case of running business and there has been termination of service of the workman concerned in such a business. True the termination in the present case is not on account of surplus but in exercise of power reserved to the management in paragraphs 13 and 14 of the certified Standing Orders. In Sundaramoney's case the word "termination" has been interpreted to mean that the services of the employee concerned should have come to an end by any means whatsoever. This must be in contradistinction to coming to an end in the natural course of events like superannuation. Such being the interpretation of the definition of the word "retrenchment" as given in I.D. Act it is not possible to say that a termination simpliciter as in the present case is not retrenchment. In Hariprasad's case it has been pointed out that the word 'for any reasons whatsoever' would not include a bona fide closure of the whole business because it would be against the entire scheme of the Act. The present case is not concerned with any such termination. In the case of *Delhi Cloth and General Mills Co. Ltd. Vs. Shambhu Nath Mukherjee* (AIR 1978 SC 8) it was held that striking off the names of the workman from the rolls amounted to retrenchment under Sec. 2(oo) of the Act. It was also held in that case that whenever the employer purports to terminate the services of an employee, which amounts to retrenchment within the meaning of the Act the same has to be in conformity with the requirements of Sec. 25F. If there is non-compliance, the order of termination shall be vitiated. This being the position of law I hold that the order of termination in the case before me amounts to an order of retrenchment and the provisions of Sec. 25F not having been complied with the order cannot be sustained in law. The workman concerned is, therefore, entitled to reinstatement with all back wages from the date of termination till the date of his reinstatement.

I have already held that the impugned order of termination of services of the workman concerned is in bona fide exercise of powers by the management reserved to it in paragraphs 13 and 14 of the Standing Orders Ext. M-13, that the provisions in paragraphs 13 and 14 of Ext. M-13 are valid and enforceable, that the workman who belonged to the Security Department of the management acted in a manner which resulted in loss of confidence in him by the management and that after loss of confidence in the workman it was open to the management to terminate employment of the workman by an order of termination simpliciter. But as in view of the established position of law already indicated the order of termination of the services of the workman has been found to be an order of retrenchment and so the order has been held to be not sustainable, the provisions of Sec. 25F of I.D. Act not having been complied with, it is open to the management once again to take recourse to its power in paragraphs 13 and 14 of Ext. M-13 and to pass an order of ter-

mination in accordance with law if it so likes. The reference is answered accordingly.

B. K. RAY, Presiding Officer,
[No. L-20012/152/78-D. III(A)]

New Delhi, the 9th April, 1980

S.O. 1058.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of East Bassuria Colliery of Messrs National Coal Development Corporation Limited, Post Office Bansjora, District Dhanbad and their workmen, which was received by the Central Government on the 26th March, 1980.

**CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT NO. 3, DHANBAD**

PRESENT :

Shri P. Ramakrishna Presiding Officer,

Reference No. 36 of 1976

PARTIES :

Employers in relation to the management of East Bassuria Colliery of M/s. Bharat Coking Coal Ltd., P. O. Bansjora, Dist. Dhanbad.

Vs.

Their workman.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the workman : Shri J. D. Lal, Advocate.

INDUSTRY : Coal

STATE : Bihar

Dated, the 18th March, 1980

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10(1)(d) of the Industrial Disputes Act, 14 of 1947 have referred the following dispute to this Tribunal for adjudication as per their Order No. L-20012/67/76-DIII(A) dated the 21st June '76.

SCHEDULE

"Whether the action of the management of East Bassuria Colliery of M/s. Bharat Coking Coal Ltd., P. O. Bansjora, Distt. Dhanbad in stopping from work Shri Manoranjan Prasad, Bonus Clerk with effect from 8th April, 1973 is justified? If not, to what relief is the workman entitled?"

2. The Secretary of the Bihar Colliery Kamgar Union, Dhanbad has filed a written statement on behalf of the workman (herein stating that he (the concerned workman) was appointed as a Bonus Clerk in East Bassuria Colliery on 8-11-72. It is claimed that his name was entered in the Form B register at Sl. No. 2581. He was also enrolled as a member of the Coal Mines Provident Fund. The said mine was taken over with effect from 30-1-73. Even after that date the workman continued to serve in this colliery till 7-4-73 when he was stopped from work by the Manager by a verbal order. From 8-4-73 this workman has been sitting idle. The several representations made by the workman to the management for reinstatement were not considered by the management. Thereafter the workman placed his case before the Union. To the letter addressed by the Union also the management failed to give any reply. It is stated that the workman herein is not an inductee and that he has got documentary evidence to show that he was in fact appointed by the former management. If only the workman had been given an opportunity to place his case he could have satisfactorily proved that he was a bonafide employee of this colliery. Since he was stopped from work without any notice and without giving him an opportunity to place his case it is said that the action of the management is opposed to the principles of natural justice. The

workman prays that he may be reinstated in service on his original job with full back wages with continuity of service.

3. The Personnel Manager has filed a written statement on behalf of the management stating that there was no employer and employee relationship between M/s. Bharat Coking Coal Ltd., and the workman herein by 8-4-73. They say that M/s. Bharat Coking Coal Ltd., was not the employer in relation to East Bassuria colliery on that date. They further say that M/s. Bharat Coking Coal Ltd., cannot be held liable for any liability arising prior to 1-5-73 in view of the provisions of Sections 7 & 28 of the Coal Mines Nationalisation Act, 1973. It is also pleaded that in view of the inordinate delay of two and half years in raising this industrial dispute this reference is liable to be rejected. It is further submitted that taking advantage of his father's position as a Senior Clerk in the colliery the workman herein could get his name entered on the colliery rolls with effect from the date of take over viz. 31-1-73 by fraudulent means. This fraud was further facilitated by the fact that wages from the month of November '72 remained outstanding. The erstwhile management itself is said to have actually connived with the inductees. According to them the workman herein was only provisionally permitted to work from 31-1-73 to 7-4-73 pending investigation and scrutiny. During the course of investigation it became clear that he was an inductee. Being an inductee with less than three months service to his credit they say he was not entitled to any notice of termination. The management has no animus against this particular workman because he was one of 200 inductees removed from service. They pray that this reference may be answered against the workman.

4. In his rejoinder the workman has pleaded that the Bharat Coking Coal Ltd., was the employer of this colliery on the relevant date, being the Custodian under the provisions of Coal Mines Take Over Management Act, 1973. It is said that this reference cannot be rejected on the ground of delay. Other averments made in the written statement are denied.

5. On the above pleadings the issue that arise for consideration are—

- (1) Whether the action of the management in stopping the workman concerned from work with effect from 8-4-73 is justified?
- (2) To what relief?

6. On behalf of the management a petition was filed on 16-8-77 praying this Tribunal to determine the question whether the reference was valid in view of the Patna High Court's decision reported in 1976 L.I.C. page 1513 where in it is held that M/s. Bharat Coking Coal Ltd., has no liability for any act done prior to the appointed day viz. 1-5-73 as per the provisions of Coal Mines Nationalisation Act, 1972. My learned predecessor Sri Tripathi decided this preliminary issue against the workman and on the basis of that rejected the reference. On behalf of the workman an Appeal (Civil Appeal No. 2436 (NL) of 1979) was preferred to the Supreme Court against this decision. The Supreme Court by their Order dated 29-8-79 allowed the appeal, set aside the order of this Tribunal and remanded the matter for fresh disposal according to law.

7. On receipt of the judgement of the Supreme Court on 10-9-79 the case was restored to file and notices were directed to be issued to the parties for their appearance. On 16-10-79 the workman and on 29-10-79 the management appeared before this Court. After remand three witnesses are examined on behalf of the workman and one witness on behalf of the management besides marking certain documents.

8. Issue (1)—The case of the workman herein is that he joined the service of East Bassuria colliery with effect from 8-11-72. After the date of take over (31-1-73) he continued to work till 7-4-73 when his services were abruptly stopped without notice and without disclosing any reason for such action. He says that this action of the management in stopping him from work without giving him an opportunity of being heard is opposed to the principles of natural justice. The case of the management is that they constituted a Flying Squad soon after the date of take over to screen out bogus employees. The Flying Squad after perusing the record available with the management expressed the view that some 200 persons

including the workman herein were inductees, that is they got themselves enrolled on the rolls of the colliery by questionable means. The report of the Flying Squad was scrutinised by a competent authority who decided that the inductees should be stopped from work forthwith. It has to be seen whether the concerned workman is a bona fide employee of the former management and whether the management was justified in abruptly stopping him from work without giving him any opportunity whatsoever to place his case.

9. On behalf of the management one of the two members of the Flying Squad Sri B. N. Jha is examined as MW-1. He stated that he and Sri K. C. Nandkeolyar constituted the Squad. They were asked to screen the cases of the employees taken over from the former private colliery managements including East Bassuria. They checked the records of the collieries seized by the Custodian at the time of take over. In most of the cases they also interrogated the persons concerned. In East Bassuria colliery they found 200 inductees. The concerned workman is one of them. MW-1 refers to Ext. M-1 the Bonus register for the year 1972-73. At page 75 of Ext. M-1 the entries pertaining to the concerned workman are to be found. He points out the suspicious features appearing therein. The designation of the workman as Bonus Clerk appears to have been written after erasing some other entry. The designation, Bonus Clerk, is given against the column meant for father's name. Against the column designation the words 'office Clerk' appear. From memory he says that they had also checked the Form B register and found the entries therein to be suspicious. The said register is not filed as not being traceable. Ext. M-2 is a true copy of the Coal Mines Provident Fund return for the quarter ending 1973. From Ext. M-2 it appears that the concerned workman had qualified himself for enrolment as a member of the Coal Mines Provident Fund with effect from the quarter ending March 73. The workman's name appears at Sl. No. 1. His date of appointment is given as 1-12-72 whereas according to the workman the date of his appointment was 8-11-72. At this distance of time the witness did not recollect having interrogated the concerned workman regarding the several suspicious features of his case. From his cross-examination it appears that the persons found to be inductees by the Flying Squad were stopped from work by the appropriate authority. An Area Advisory Committee consisting of a union's representative and a management's representative was constituted to consider the appeals preferred by the inductees. The witness is not aware of the reports submitted by the Advisory Committee after hearing the individual cases of the affected persons. He further stated that Mr. Kang the then Manager of East Bassuria colliery was in league with the inductees and created several fictitious orders of appointment. For indulging in these malpractices he was removed from service. He has filed the Flying report and the orders passed by the Addl. Custodian General and the Chief Industrial Relations Personnel on that.

10. WW-1 the concerned workman files Ext. W-1 the order of appointment dated 8-11-72 issued by the then Manager Mr. D. N. Kang. He says he was not aware of the enquiries made by the Flying Squad regarding his credentials. According to him he was never questioned by any officer of the colliery regarding his bona fides. Ext. W-2 dated 11-1-73 is a letter of warning issued by the then Manager Mr. Kang for dereliction of duty. Ext. W-3 is a proforma under the signature of Mr. Kang for providing treatment to him at the Central Hospital. Ext. W-3/A is an annexure to Ext. W-3. Ext. W-4 is a letter from the Provident Fund Commissioner allotting him a Provident Fund Number. Exts. W-5 to W-11 are the several representations made by him to the management requesting them to reconsider their decision to stop him from work. As his representations were not replied to, he placed the matter before the Union. Ext. W-12 is a further representation made by the Union on his behalf requesting the management to take him back in service. There was no response from the management to this letter either. Ext. W-13 is photostat copy of a letter dated 6-11-75 addressed by the Manager of the colliery Sri Sastry to the General Manager suggesting that in view of the several points referred to by him in that letter, the case of this workman should be considered favourably. WW-2 is the Provident Fund Clerk of East Bassuria colliery. He says that the workman herein was working in that colliery from November '72. He proves Ext. M-2 a true copy of the Form 'H' submitted by the Manager of the colliery to the Provident Fund Commis-

sioner. He further stated that all the 13 persons named in Ext. M-2 are still in the service of M/s. Bharat Coking Coal Ltd. From his cross-examination it appears that the father of the concerned workman is working as a Head Clerk in East Bassuria colliery. WW-3 is an Underground Munshi. He says he was appointed for the first time on 31-1-73 in the East Bassuria colliery. His name appears as Sl. No. 47 in the list of inductees submitted by the Flying Squad. According to him except for the concerned workman all the other persons named therein are still in the service of M/s. Bharat Coking Coal Ltd.

11. From the above evidence, oral and documentary, it does not appear that any intimation is given to the workman regarding the findings of the Flying Squad. He was also not given any order in writing informing him that his services were being stopped with effect from 8-4-73. It does not also appear that he was told that a right of Appeal lay to the Area Advisory Committee against the findings of the Flying Squad. It is faintly stated that the findings of the Flying Squad together with the names of the persons found to be inductees was exhibited on the notice board with a note that the aggrieved persons could prefer an Appeal to the Advisory Committee. There is absolutely no evidence in support of this claim. There is also nothing on record to show that the Advisory Committee had gone into the case of the workman concerned and confirmed the finding of the Flying Squad that he was an inductee. Shri Joshi for the management submits that whatever the shortcomings of the management might have been before the Tribunal, they have adduced sufficient evidence to show that the concerned workman was in fact an inductee. He submits that on the basis of that evidence the Court may uphold the action of the management in stopping the workman herein from work Sri J. D. Lal for the workman did not question the correctness of the proposition advanced on behalf of the management except to say that the evidence placed before the Court is not sufficient to sustain a finding that the workman was an inductee. As already stated the entries in the Bonus register Ext. M-1 are suspicious. No explanation whatsoever is attempted to be given for such suspicious entries creeping into this register. The date of appointment also stands corrected. The number of the month '12' is corrected to '11'. Though the workman as WW-1 claims to have maintained the bonus register in respect of wagon loaders from the date of his appointment, no application is filed calling upon the management to produce that register. In Ext. M-2 the date of appointment is given as 1-12-72 wherein the order of appointment Ext. W-1 shows that he was appointed with effect from 8-11-72 with reference to an interview held on 22-9-72. While the appointment letter Ext. W-1 shows that he was appointed as Bonus Clerk, the Bonus register Ext. M-1 at page 75 gives his designation as Office Clerk. The statement of MW-1 that the relevant entries in the Form B register were also suspicious cannot be taken notice of in the absence of that register being placed before the Court.

12. On behalf of the workman great reliance is placed on the Annexure Ext. D/1 to the Flying Squad's report. This annexure gives a complete list of the monthly paid staff of East Bassuria colliery along with the remarks of the owner at the foot of it. The owner, Mr. N. N. Chanchani certified that all the 215 persons named in that list except the person at Sl. No. 32 were working at East Bassuria colliery since January '73. The person at Sl. No. 32 was working at the Head Office in Despatch Section. The concerned workman's name appears at Sl. No. 19. Another circumstance relied on behalf of the workman is Ext. W-13 a photostat copy of a letter addressed by Shri Sastry the Manager of the Colliery to the General Manager on 6-11-75. The original of this letter has been called for by the workman and the management has not produced the same saying that it was not traceable (vide their memo dated 28-12-79). In this photostat copy Shri Sastry submitted to the General Manager that on verification of the available record it was found that the concerned workman was working in the colliery prior to take over and after takeover. He refers to the entries in the Bonus register. The fact that the workman was enrolled as a member of the Coal Mines Provident Fund, the fact that he was marked present for 20 days from 8-11-72 to 30-11-72 and for 26 days in December '72 as verified from Form F register are also noticed. He then relies upon the entries found in the Bonus register Ext. M-1 to show that he attended duty for the days mentioned therein during the period January to April '73. He requested that

the daily attendance register in Form F from January '73 to March '73 and the Form B register, monthly pay sheets from December '72 to March '73 available with Sri A. P. Sinha, Asstt. Personnel Manager, Jharia should be verified. In the light of the above material Shri Sastry requested the General Manager to consider the case of the workman favourably. When the attention of Mr. Jha, MW-1 was drawn to the photostat copy Ex. W-4 he admitted that there was a Manager by name Sastry working in this colliery but he could not identify his signature. No motives are imputed to Mr. Sastry for putting up a note favourable to the workman herein. Sri Joshi did not that Ext. W-13 is a fictitious document brought into existence to support the workman's claim. When the workman filed a petition calling upon the management to file the Attendance Register for the period November 1972 to January, 1973, the management did not file the same on the plea that it was not traceable. The wage sheets for the relevant period should have been filed by the management to show whether any wages were paid to the workman for the period in question. The proceedings of the Area Advisory Committee should have been made available to Court to see if the case of the workman was considered by it.

13. In this state of evidence it has to be held that the case of the workman is not free from doubt. There are certain suspicious features about this case. But on the basis of suspicion alone the workman cannot be held to be an inductee. The benefit of doubt is accordingly given to the workman. Issue (1) answered in favour of the workman.

14. Issue (2)—Since the workman concerned is being given only the benefit of doubt, I do not consider this to be a fit case when he should be reinstated with full back wages. I feel that the interests of justice will be amply met if he is directed to be reinstated with continuity of service but without any back wages whatsoever.

15. In the result the reference is answered as follows: The action of the management in stopping the workman from work with effect from 8-4-73 is not justified. The management is directed to reinstate the workman in his original post with continuity of service. It is further held that the workman is not entitled to any back wages.

P. RAMAKRISHNA, Presiding Officer

[No. L-20012/67/76-D.III(A)]

आदेश

नई दिल्ली, 11 अप्रैल, 1980

का० आ० 1059. :—सेन्दुल कोलफील्ड्स लिमिटेड, बरकाकाना, डाकघर बरकाकाना, न्यू टाउनशिप, जिला हजारीबाग के प्रबन्धसूत्र से संबद्ध नियोजकों और उनके कर्मचारों के बीच, जिनका प्रतिनिधित्व राष्ट्रीय कोलियरी मजदूर संघ, डाकघर, बरकाकाना न्यू टाउनशिप, जिला हजारीबाग करता है, एक औद्योगिक विवाद विद्यमान है;

और उक्त नियोजकों और उनके कर्मचारों ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के उपबन्धों के अनुसरण में एक निश्चित करार द्वारा उक्त विवाद को माध्यस्थ्य के लिए निर्देशित करने का करार कर लिया है और उक्त माध्यस्थ्य करार की एक प्रति केन्द्रीय सरकार को भेजी गई है;

अतः, अब, उक्त अधिनियम की धारा 10-क की उपधारा (3) के उपबन्धों के अनुसरण में, केन्द्रीय सरकार उक्त माध्यस्थ्य करार को, जो उसे 26 मार्च, 1980 को मिला या प्रकाशित करती है।

करार

ORDER

New Delhi, the 11th April, 1980

औद्योगिक विवाद अधिनियम, 1947 की धारा 10 के अर्थात् पक्षकारों के नाम :

नियोजकों का प्रतिनिधित्व करने वाले : श्री के० सी० शर्मा, मैटीरियल मैनेजर (एस), सेन्ट्रल कोलफील्ड्स लिमिटेड, दरभंगा हाउस, रांची।

कर्मकारों का प्रतिनिधित्व करने वाले : 1. श्री बद्री सिंह, सैक्रेटरी, राष्ट्रीय कोलियरी मजदूर संघ, बरकाकाना एरिया, डाकघर बरकाकाना न्यू टाउनशिप, जिला हजारीबाग

पक्षकारों के बीच निम्नलिखित औद्योगिक विवाद को श्री एम० एस० भूति, निवेशक (कामिक), सेन्ट्रल कोलफील्ड्स लि०, दरभंगा हाउस, रांची के माध्यम के लिए निर्दिष्ट करने पर करार किया गया है।

3. विनिर्दिष्ट विवाद ग्रन्थ विषय :

"क्या सेन्ट्रल कोलफील्ड्स लि० के प्रबन्धतंत्र की श्री एस० एन० राय, खचाजी, सेन्ट्रल स्टोर्स बरकाकाना, की उसके पद के वेतन-मान में दो वेतन वृद्धियों को संघीय प्रभाव से रोकने की कार्यवाही म्यायोचित है ? यदि नहीं, तो श्री एस० एन० राय किस अनुवोध का हकदार है ?"

2. विवाद के पक्षकारों का विवरण, 1. सेन्ट्रल कोलफील्ड्स लिमिटेड के जिसमें अंतर्गत स्थापन या उप-सेन्ट्रल स्टोर्स का प्रबन्धतंत्र, बरकाकाना, डाकघर बरकाकाना न्यू टाउनशिप, जिला हजारीबाग

2. सेन्ट्रल कोलफील्ड्स लिमिटेड, बरकाकाना के सेन्ट्रल स्टोर्स के कर्मकार जिनका, प्रतिनिधित्व राष्ट्रीय कोलियरी मजदूर संघ डाकघर बरकाकाना न्यू टाउनशिप, जिला हजारीबाग, करता है।

3. प्रभावित उपक्रम में नियोजित कर्म-लगभग 131 कारों की कुल संख्या

4. विवाद द्वारा प्रभावित या सम्भावित : प्रभावित होने वाले कर्मकारों की प्राक्कलित संख्या

हम यह करार भी करते हैं कि मध्यस्थ का विनिश्चय हम पर बाध्य-कर होगा। मध्यस्थ अपना पंचाट तीन मास की कालावधि या इतने और समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा बढ़ाया जाय, देगा। यदि पूर्व-वर्णित कालावधि के भीतर पंचाट नहीं दिया जाता, तो माध्यस्थ के लिए निवेश स्वतः रद्द हो जायेगा और हम नए माध्यस्थ के लिए बातचीत करने को स्वतन्त्र होंगे।

नियोजकों का प्रतिनिधित्व करने वाले कर्मकारों का प्रतिनिधित्व करने वाले
ह०/- (के०सी० शर्मा) ह०/- (बद्री सिंह)
17 मार्च, 1980
साक्षी

1. ह०/-—एम० राजागोपालन 15-3-80

2. ह०/-—ए० के० तारकवार,
वरिष्ठ कामिक अधिकारी

[सं० एल० 20013/4/80-डी-III(ए०)]
एस० एन० एस० मयूर, डेस्क अधिकारी

S.O. 1059.—Whereas an industrial dispute exists between the employers in relation to the management of Central Coalfields Limited, Barkakana, Post Office Barkakana, New Township, District Hazaribagh and their workmen represented by the Rashtriya Colliery Mazdoor Sangh, Post Office Barkakana New Township, District Hazaribagh;

And whereas, the said employers and their workmen have by a written agreement under sub-section (a) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act the Central Government hereby publishes the said agreement which was received by it on the 26th March, 1980.

AGREEMENT

(Under Section 10-A of I.D. Act, 1947)

BETWEEN

NAME OF PARTIES :

Representing employers—K. C. Sharma, Material Manager(S), Central Coalfields Limited, Darbhanga House, Ranchi.

Representing workmen—Badri Singh, Secretary, Rashtriya Colliery Mazdoor Sangh, Barkakana Area, P.O. Barkakana New Township, District Hazaribagh.

It is hereby agreed between the parties to refer the following dispute to the Arbitration of Sri R. S. Murthy Director (Personnel), Central Coalfields Limited, Darbhanga House, Ranchi.

(i) Specific matters in disputes :

"Whether action of Management of Central Coalfields Ltd., in stopping two increments with cumulative effect in respect of Sri S. N. Rai, Cashier, Central Stores, Barkakana in the pay scale of the post held by him is justified? If not, to what relief Sri S. N. Rai is entitled?"

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved :—

(1) Management of Central Stores of Central Coalfields Limited, Barkakana P. O. Barkakana New Township, District Hazaribagh.

(2) Workmen of Central Stores of Central Coalfields Ltd., Barkakana as represented by the Rashtriya Colliery Mazdoor Sangh, P.O. Barkakana New Township, District Hazaribagh.

(iii) Total No. of workmen employed Approximately 131 in the undertaking affected :

(iv) Estimate No. of workmen likely to be affected : 1.

We further agree that the decision of the Arbitrator shall be binding on us. The arbitrator shall make his award within a period of 3 months or within such further time as is extended by mutual agreement between us in writing. In case the award is not given within the period aforementioned the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Representing workmen

Representing employer
Sd/-
(K. C. SHARMA)

Sd/-

(Badri Singh)

Dated 17th this day of March, 1980.

WITNESSES :

1. M. Rajagopalam Sd/- 15-3
2. A. K. Tarafdar (Senior Personnel Officer) Sd/- 17-3-80.
[No. L-20013(4)/80-D.III(A)]
S. H. S. IYER, Desk Officer

New Delhi, the 7th April, 1980

S.O. 1060.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial disputes between the employers in relations to the management of Punjab and Sind Bank Ltd., Dhanbad and their workmen, which was received by the Central Government on the 27th March, 1980.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD.

Reference No. 22 of 1979

In the matter of an industrial dispute under S. 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Punjab and Sind Bank Ltd., Dhanbad

AND

Their workmen.

PRESENT :

Shri J. P. Singh, Presiding Officer.

APPEARANCES :

On behalf of the employers.—Shri J. S. Jogi, Advocate.
On behalf of the workmen.—Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Bank.

Dhanbad, 22nd March, 1980.

AWARD

The Central Government by notification No. L-12012/110/78-D.II.A dated 2nd May, 1979 has referred the undermentioned dispute for adjudication by this Tribunal as per schedule mentioned below :

SCHEDULE

"Whether the action of the management of Punjab and Sind Bank Ltd. Dhanbad in transferring Shri S. Gurdial Singh, Clerk-cum-Cashier from Dhanbad to Bhagalpur with effect from September 21, 1978 is justified ? If not, to what relief is the workman concerned entitled ?"

After receipt of the reference written statements were filed by the employers as also by the workmen. The reference thereafter proceeded along its course and ultimately on 21-3-80 a joint petition of compromise was filed by the parties incorporating therein the terms of settlement arrived at between them in respect of the industrial dispute pending for adjudication in this Tribunal. As per the compromise the concerned Clerk-cum-Cashier, Shri S. Gurdial Singh is being transferred to Damla Branch of the Bank. I heard the parties on the joint petition of compromise and it is prayed before me that an award may be passed in terms of the compromise as filed. The terms of the compromise, beneficial as they are to the parties, are accepted. Accordingly, I pass the Award in terms of the compromise which do form a part of the award as Annexure A.

I. P. SINGH, Presiding Officer.

[No. L-12012/110/78-D.II(A)]

ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 11 DHANBAD

Reference No. 22 of 1979

In the matter of

Shri Gurdial Singh

Versus

The Punjab & Sind Bank Ltd.,

That the above said dispute is pending adjudication before this Hon'ble Court and is fixed for hearing on 21-3-80.

That the parties in the above said dispute have come to a mutual settlement according to which S. Gurdial Singh is being transferred to Damla branch of the bank.

That no Dispute remains between the parties as far as the present reference is concerned.

And it is therefore, respectfully prayed that a (No dispute award) may be given in the abovesaid matter.

For Management

For Workmen

Sd./ Illegible.

Sd./- Illegible.

Advocate/Representative.

Advocate/Representative.

Sd/- Illegible

Sd/- Illegible

Sd./- Illegible

Presiding Officer, Central Government Industrial

Tribunal (No. 2), Dhanbad.

New Delhi, the 10th April, 1980

S.O. 1061.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Madras, in the industrial dispute between the employers in relations to the management of Reserve Bank of India, Madras and their workmen, which was received by the Central Government on the 18th March, 1980.

BEFORE THIRU T. SUDARSANAM DANIEL, B.A.,
B.L., PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,

MADRAS

(Constituted by the Government of India)

Tuesday, the 4th day of March, 1980

Industrial Dispute No. 31 of 1979

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Reserve Bank of India, Madras).

BETWEEN

The workmen represented by The Secretary, Reserve Bank of India Employees Association, C/o Reserve Bank of India, South Beach Road, Madras.

AND

The Manager, Reserve Bank of India, South Beach Road, Madras-1.

REFERENCE

Order No. L-12011/61-78-D.II.A, dated 4-7-1979 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Monday, the 28th day of January, 1980 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiruvalluvar N. G. R. Prasad and K. Chandru for Thiruvalluvar Row and

Reddy and K. Chandru, Advocates for the workmen and of Thirumathi Mayura Padmanabhan, Deputy Legal Adviser of the Bank appearing for the Management and this dispute having stood over till this day for consideration this Tribunal made the following.

AWARD

This is an Industrial Dispute between the workmen and Management of Reserve Bank of India, Madras-I referred to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in Order No. L-12011/61/78-D.I.L.A., dated 4th July, 1979 of the Ministry of Labour in respect of the following issues :

1. Whether the action of the management of the Reserve Bank of India, Madras in recovering the rent from the salary of employees exceeding the ceiling of Rs. 145/- on the basis of calculating the percentage of rent from the salary of dependent employees of the Allottee is justified ? If not to what relief are the workmen concerned entitled ?
2. Whether the action of the management of the Reserve Bank of India in levying additional rent on account of the husband's earnings where the Allottee happens to be a female employee is justified ? If not, to what relief are those workmen concerned entitled?

2. Facts leading upto the dispute are not in controversy. The Respondent is the Management of Reserve Bank of India, Madras. The Secretary, Reserve Bank of India Employees Association, Madras has filed a claim statement on behalf of the workmen of the Respondent-Management. The two issues referred to this Tribunal by Government to class III workmen clerical staff at Madras. The Respondent-Management has provided Staff quarters at three places in Madras, viz Poonamallee High Road, Besant Nagar and K. K. Nagar. For these employees who occupied the flats after 1969, when Bank originally charged 10 per cent of total salary as rent with no ceiling limit. The All India body to which the Petitioner-Association is affiliated entered into a settlement with the Respondent-Management with effect from 1-8-1975. Under this settlement, the rent formula in respect of flats occupied after 1969 was 20 per cent of substantive pay or 7 1/2 per cent of gross emoluments or Rs. 145/- per month whichever is less. Ex W-1 lays down the terms and conditions of licence to occupy the staff quarters put up by the Respondent-Management. Clause (10) of Ext. W-1 points out that ordinarily the quarters is allotted to the employee for himself and his family, i.e., his wife and children, and other relations of the employee may reside with the employee only with the prior permission of the Manager and that too on payment of extra compensation. Ex. M-1 sets out in detail the several conditions for residential occupation for Class I, II and III staff of the Respondent-Management. Clause 2(c) of Ex. M-1 deals with a case where any person who is not an employee, but who has been accommodated in the quarters along with the allotted employee and he has independent income, additional rent for his stay beyond the free period of one month should be recovered at the rate of 10 per cent of his "pay" if he is an employee of the Bank and 10 per cent of his "total emoluments" in other cases provided that the rent charged in respect of the quarter does not exceed its standard rent. Ex. M-2 is also another circular issued by the Central Office, Bombay to its branches at Madras and other places. To a similar effect there is also further circular dated 18-8-1966, copy of which is marked as Ex. M-3. In Ex. M-1 page 2, paragraph 2(c)(i) it is stated as follows :

"In the event of an employee's children and other dependents who are already staying with him in the quarter, securing employment, additional rent will be recoverable, as indicated above, as from the date they become so employed and continue to reside in the quarter."

From the undisputed facts it can be seen that if the Bank employee has his parents or unmarried brother or sister with him who are not earning, no additional rent is collected from him apart from the rent paid by the Bank employee though they are with him. However, if his father staying with him is getting pension of not less than Rs. 100/- and his brother or sister who are staying with him are getting their salary,

then 10 per cent of such salary is recovered from the employee's salary and paid into the Bank. The case of the Association is that this recovery is absolutely unfair and unjust because no extra accommodation is provided for collecting additional rent and therefore literally double rent is charged by the Bank. It is true that there is a social obligation on the part of the children to maintain their parents and also to allow brothers and sisters to stay with them. But it must be remembered that the quarters has been provided for as an amenity to the employee of the Bank. Under the Scheme for allotment of Bank quarters which is purely a welfare scheme, only the family of the employee, namely, his wife and dependent children are permitted to reside in the quarters. The employee is allowed to accommodate a casual guest for a short period. So long as the employee's children or any other dependents, subsequently securing employment the Bank calls on the employee to pay additional sum in respect of such earning persons also at the rate of 10 per cent of the person's "pay" in the case of Bank employee or "total emoluments" if he is employed outside. Thus it can be seen that the recovery of additional rent is based on the principle that the flats are heavily subsidised and let out at concessional rent/compensation to the staff and the concessional rent or compensation is fixed taking into consideration only the employee's income. Therefore the Management is perfectly justified in imposing certain restrictions in the case of members who are residing in the quarters of the employee and who are also independently earning. If no reasonable or rational regulation is made with regard to persons other than the family of the employees then very soon each quarters will be enlarged into a large assembly of individuals which would naturally entail heavy responsibilities on the Management to provide basic amenities. The terms and conditions of the licence under which the quarters are occupied can be easily gathered from Ex. W-1. It will indicate that the employee-licence is called upon to fulfil number of obligations. It is not as though quarters is allotted to the employee without any terms and conditions and therefore when the employee willingly accepts the allotment of a quarters at concessional rate it is too much for him to turn round and maintain that without any restriction whatsoever he can accommodate any number of persons for any length of time and without restriction whatsoever. The details of accommodation over which there is no dispute, can be found from Exs. M-1, M-2 and M-3. A perusal of these materials would easily convince any one that the restrictions placed by the Management with regard to the accommodation of additional members of the employee is just and fair. After all Issue No. 1 relates only to dependent employees of the allottee. So long as the dependents remain dependents of the employees there is no problem at all. Only when either the son or the daughter, sister or father of the employee gets independent income exceeding Rs. 100/- the difficulty will arise. Although merely on receipt of additional income the problem will not prop up it will naturally come out in some other form, viz., by the dependent getting married and enlarging his or her family. Moreover, it is common knowledge, any employee in the city of Madras gets House Allowance from the employers and therefore when a person who is occupying the quarters of the Respondent-Bank is in fact receiving rent and no merely a token rent the Respondent-Management is amply justified in regulating the accommodation of the quarters. From Ex. W-1, it can be further seen that the right of the allottee-employee is only that of a licensee and therefore such a licensee cannot claim any better or more rights or seek to enlarge the same than those expressly provided for under Ex. W-1. It is also manifest that the basis behind the impugned clause is not to make any profit for the Respondent-Management but only to dissuade earning members of the family of the allottee-employee incidentally enlarging their own family which would eventually pose unmanageable problems to the Management in the matter of ensuring fair and decent accommodation to its own employees. It is undisputed that the employees are charged concessional rent which is very low as compared to the market rent. Even after the payment of additional sum, the amount so paid by way of compensation for a flat would be far less than compensation that would be normally payable for such a flat in the city. Under these circumstances, the demand of the Management on the allottee to pay additional rent under stated circumstances cannot be held to be unjust or illegal or even discriminatory. Accordingly, under Issue No. 1, I hold that the action of the Management is justified and the employees are not entitled to any relief whatsoever.

3. Issue No. 2 is rather interesting. If the female employee of the Bank was allotted quarters, the Bank charged and demanded not only rent from her but also 10 per cent of her husband's salary towards rent. But if the husband is a Bank employee and his wife is also employed either in the Bank or elsewhere no additional rent is demanded. Learned counsel for the Association Thiru Prasad points out that this is clearly an infringement of the fundamental rights guaranteed under the Constitution. There is no dispute that the Reserve Bank of India is a "State" within the meaning of Article 12 of the Constitution of India and it is stated that under Article 14 and 16 of the Constitution this discrimination cannot be sustained. As pointed out by the learned representative for the Bank Thirumathi Mayura Padmanabhan, if in fact the claim of the Association is that the rules are discriminatory, the proper forum for them to vindicate their right would only be the High Court by means of writ proceedings. There is considerable force in the submission. That apart, this issue is almost academic in view of what has transpired subsequently. Under the original of Ex. M-4 dated 21-12-78, the Reserve Bank of India, Central Office, Bombay has decided that with effect from 1-1-1979 no additional rent/compensation may be recovered from female allottees of Bank's/leased flats in respect of their earning husbands residing with them. The date of reference is 4th July, 1979. Therefore on the date of reference this issue does not survive as an industrial dispute to be adjudicated upon by this Tribunal. But learned counsel for the Association would contend that the Management had recovered rent from the employees on the earlier basis from August, 1975 and therefore the issue must be held to be alive and this Tribunal must direct the Respondent to refund whatever amount they had collected on the basis of husband's salary of the Bank employee. Ex. W-2 is a letter of the Association raising this dispute dated 7-11-77. There is nothing in Ex. W-2 to indicate that the relief should be granted effective from 1975. On the other hand from the Annexure to Ex-3 it can be noted that the formula of 10 per cent of the "total emoluments" for new colonies was revised with effect from 1st August, 1975. Under this formula existing occupants of the colonies would continue to pay compensation according to the existing formula and not according to the revised formula and this new arrangement was brought into effect from 1st August, 1975. Paragraph 6 of the Annexure to Ex. W-3 is significant. This is what it states: "However, no adjustments were made for the compensation paid by the occupants upto 31st July, 1975 irrespective of whether they have paid less or more than according to the formula brought into force with effect from 1st August, 1975". This circumstance would clearly indicate that when the new arrangement was brought into effect from 1st August, 1975 there was no adjustments in respect of compensation paid by the occupants prior to that date although they might have paid more or less according to the revised formula. This will serve as a safe guideline to hold that whatever had happened prior to 31-12-1978 cannot be reopened when the revised formula comes into operation from 1-1-1979. Thus even in the restricted jurisdiction conferred on this Tribunal, no relief whatsoever can be granted to the employees under this issue.

4. It must also be mentioned that the learned authorised representative for the Management Thirumathi Mayura Padmanabhan had earlier raised two preliminary points to the effect that this Tribunal has no jurisdiction to adjudicate upon these two issues referred to by the Government of India. The main argument put forward by her was the allotment of quarters to the employee of the Bank is not one of the terms and conditions of the employment of an employee of the Bank and as such there is no industrial dispute as defined in clause 2(k) of the Industrial Disputes Act. According to her the provision of housing facility and the compensation charged therefor does not form part of the service conditions of the workmen of the Bank. On the other hand, learned counsel for the Association Thiru Prasad draws my attention to paragraph 19 of the Terms and Conditions of the Leave and Licence Agreement between the employees and the Management Ex. W-1 which runs as follows:

"Without prejudice to the provisions of the clauses which deal with termination of the licence, any breach of the conditions of licence or non-compliance with the Bank's instructions in that behalf will amount to an act of misconduct within the meaning of the Reserve Bank of India Staff Regulations rendering the employee licensee liable to disciplinary action under Regulation 47 of these Regulations."

Therefore it is apparent that any breach of terms and conditions of Leave and Licence Agreement Ex. W-1 would amount to an act of misconduct within the meaning of the Reserve Bank of India Staff Regulations rendering the employees liable to disciplinary action under Regulation 47. Thus it is apparent that if an employee refuses to pay or does not disclose any particulars regarding his relatives who are earning, it will certainly amount to misconduct. Hence any violation of the terms and conditions of Ex. W-1 would expose the employee to disciplinary jurisdiction as contemplated under the Reserve Bank of India Staff Regulations. It should also be remembered that the Petitioner-Association is the sole association representing the employees of the Respondent-Bank. In the circumstances, I have no hesitation to find that there is no substance in the contention raised by the Management that on the issues referred there is no industrial dispute as contemplated under section 2(k) of the Industrial Disputes Act. Secondly, learned authorised representative for the Respondent-Bank also says that in the light of the Management's decision not to recover any additional rent from female employees of the Banks flats in respect of their earning husbands, there is no industrial dispute as such with regard to issue No. 2 as on the date of the reference. But both these issues had been raised by the Association even as early as 7-11-1977. — vide Ex. W-2 and the Management had also offered their remarks to the Assistant Labour Commissioner (Central), Madras. — vide Ex. W-3 dated 14-3-1978. Issue No 2 does not just deal with the action of the Management. It relates to the action of the Management that was in vogue even prior to the reference. Merely because the issue has not been happily worded it does not necessarily follow that no part of the 2nd issue survived on the date of the reference, viz., 4-7-1979. For the above reasons I am unable to accept the stand of the Management that this Tribunal has no jurisdiction to adjudicate these two issues referred to by the Government of India.

5. In the result an Award is passed dismissing the claim No costs.

Dated, this 4th day of March, 1980

T. SUDARSANAM DANIEL, Presiding Officer
[No. L-12011/61/78-D.II(CA)]

WITNESSES EXAMINED

For both sides—None.

DOCUMENTS MARKED

For workmen:

- Ex. W-1—Terms and conditions of licence to occupy the staff quarters.
- Ex. W-2/7-11-77—Letter from the Unions to the Regional Labour Commissioner (Central), Madras raising industrial dispute.
- Ex. W-3/14-3-78—Reply of the Bank to the Assistant Labour Commissioner (Central), Madras (in reply to Ex. W-2).

For Management:

- Ex. M-1/6-5-63—Letter from the Central Office of the Bank, Bombay to the Reserve Bank of India, Madras regarding residential accommodation for Class I to III staff. (Annexure-I to the counter statement).
- Ex. M-2/15-5-64—Letter from the Central Office of the Bank, Bombay to the Reserve Bank of India, Madras regarding residential accommodation for Class I to III staff. (Annexure-II of the Counter Statement).
- Ex. M-3/18-8-66—Letter from the Central Office of the Bank, Bombay to the Reserve Bank of India, Madras regarding residential accommodation. (Annexure-III of the counter statement).
- Ex. M-4/21-12-78—Letter from the Central Office of the Bank to all the Managers of the Reserve Bank of India deciding that no additional rent/compensation may be recovered from the female allottees. (Annexure IV of the counter statement).

Sd/-

INDUSTRIAL TRIBUNAL

Note: Parties are directed to take return of their document/s within six months from the date of the Award.

S.O. 1062.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award Part II (Final) of the Central Government Industrial Tribunal Ahmedabad, in the Industrial dispute between the employers in relations to the management of Bank of Baroda Southern Region, Ahmedabad and their workmen, which was received by the Central Government on the 18th March, 1980.

BEFORE SHRI R. C. ISRANI, B.A. (Hons), L.L.B., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT AHMEDABAD

Reference (ITC) No. 2 of 1977

ADJUDICATION

BETWEEN

The Management of the Bank of Baroda, Ahmedabad—
First Party.

AND

The workmen employed under it—Second Party.

In the matter of termination of the services of Shri S. S. Sinduria, Clerk in Parsi Sheri Branch of the Bank.

APPEARANCES :

Shri C. V. Pavaskar, Advocate assisted by Shri R. B. Pittale—for the first Party; and

Shri M. S. Udeshi, Advocate assisted by Shri K. R. Mehta—for the Second Party.

AWARD—PART II (FINAL)

This is a reference made by the Government of India u/s. 10(1)(d) read with S. 7A of the Industrial Disputes Act, 1947, hereinafter to be referred to as the 'Act', vide the Government of India, Ministry of Labour's Order No. L-12012/202/76-D.I.A. dated 7-6-77 in respect of an industrial dispute which has arisen between the parties, viz., the Management of the Bank of Baroda, Ahmedabad, hereinafter to be referred to as the 'Bank' and the workmen employed under it. At first, this reference was made to the Industrial Tribunal consisting of Shri M. U. Shah, but thereafter vide the Government of India, Ministry of Labour's Order No. L-12012/202/76-D.I.A. dated 30-6-77 the reference was transferred to this Industrial Tribunal.

2. The industrial dispute as it appears from the Schedule attached to the original order under which this reference has been made relates to the demand which is as under :—

"Whether the action of the management of the Bank of Baroda, Southern Region, Ahmedabad in terminating the services of Shri S. S. Sinduria, Clerk, Parsi Sheri Branch of the Bank with effect from 13-4-76 is justified? If not, to what relief is the workmen entitled?"

3. In support of this demand, one Shri K. R. Mehta, the Executive Committee Member of the All India Bank of Baroda Employees' Union, hereinafter to be referred to as the 'union' and as the authorised representative of one Shri S. S. Sinduria, hereinafter to be referred to as the 'workman', has filed the statement of claim, ex. 2 on 18-7-77. It is the contention of the union that the workman was employed as a Cash Clerk by the Bank with effect from 1-11-68 and he was working in the Parsi Sheri Branch of the Bank at Surat. It is the claim of the union that the workman was doing his work quite satisfactorily and there was no complaint about his work. It is also the claim of the union that right from the date of his appointment on 1-11-68, his services under the Bank were continuous without there being any break. The allegation of the union is that the Bank authorities, without following the procedure laid down in the Act as well as in the Sastry Award, Desai Award and Bi-partite agreements between the Bank and the workmen employed by it, governing the conditions of services of the employees of the Bank, unjustifiably and illegally terminated the services of the workman vide the order ex. 2/1 dated 13-4-76. It is the contention of the union that this action of the Management of the Bank was mala fide

and it was taken only with a view to taking revenge from the workmen, who had come in conflict with the then Agent of the said branch of the Bank, one Shri C. R. Desai. After the services of the workman were terminated illegally and unjustifiably as stated above, he had approached the Bank authorities, vide his letter ex. 20 dated 21-4-76 requesting the said authorities to reconsider their action and to reinstate him in his original position. However, the authorities of the Bank paid no heed and again the workman addressed another letter ex. 21 dated 26-8-76 to the said authorities requesting them to reconsider their previous action. Even this request of the workman was not heeded to and it was thereafter that this industrial dispute was raised in the first instance before the Conciliation authorities, but after the failure of the proceedings before the Conciliation authorities, the Government of India was approached. Ultimately the Government of India was pleased to refer this industrial dispute for adjudication to this Industrial Tribunal as stated above.

4. On behalf of the Bank the written statement ex. 3 has been filed on 6-10-77. Through this written statement, in the first instance, certain preliminary legal contentions were taken challenging the maintainability of this reference. As regards the merits of the case, the Bank explained as to why the said action of removing the workman from the service of the Bank was taken. In para 7 of the written statement, the facts were stated as under :—

"The true facts are that on 8th October 1975 Shri S. S. Sinduria, the workman concerned, while working as a receiving cashier at Parsi Branch, Surat, he accepted Rs. 200/- tendered to him by Shri N. M. Gujar to be credited to his saving bank account. After accepting the said amount of Rs. 200/- he did not credit the said amount in Shri N. M. Gujar's account destroyed the voucher. Though Shri S. S. Sinduria did not enter the receipt particulars in cash receipt book, he issued the counter-foil signed by him bearing Bank's stamp. This was deliberately done by Shri S. S. Sinduria to show that he had credited the amount of Rs. 200/- so deposited by Shri N. M. Gujar. On 11th October 1975 Shri Gujar came to the Branch with the counter-foil and the Pass-book and inquired as to why the entry in the pass-book was made as on 9th October 1975 when he had tendered the amount to the Bank's cash clerk on 8th October 1975. On inquiries being made by the Branch Agent, Shri Sinduria admitted in the presence of Branch Accountant that he had misappropriated the amount of Rs. 200/-. He further admitted that he handed over the pass-book to Shri N. M. Gujar at his residence on 10th October 1975 after making false credit entry for Rs. 200/- as on 9th October 1975. He also admitted that he forged the signature of the Special Assistant in the pass-book returned to Shri N. M. Gujar. With a view to investigate the matter in depth the Bank by its letter No. PSS/PT/13/21 dated 15th October 1975 called upon Shri S. S. Sinduria to submit his explanation and show cause why disciplinary action should not be taken against him for the reasons mentioned in the said letter. Shri S. S. Sinduria by his explanation dated 17th October 1975 in reply to the show cause letter dated 15-10-75 admitted of his having received the said amount from N. M. Gujar. The Bank shall rely upon the said explanation of Shri S. S. Sinduria when produced."

Again in para 8 of the written statement, the Bank explained its action in the following words :—

"The Bank says that during this period the matter was thoroughly investigated and on the basis of material and unconditional admission of guilt by him his services were terminated by way of simple discharge on the ground of loss of confidence under para 522(1) of the Shastri Award."

In para 10 of its written statement, the Bank further clarified as under :—

"The Bank says that while taking the action of terminating his services the Bank took into consideration his young age and with a view not to mark his

future prospects it took a lenient view and did not hand him over to the Police for fraud and cheating which are cognisable offences under the Indian Penal Code. Apart from this, the Bank further says that since Shri S. S. Sinduria had admitted in writing that he had misappropriated Rs. 200/- in his explanation dated 17th October 1975, the question of holding departmental enquiry did not arise and hence no domestic enquiry was held."

In para 14 of its written statement, the Bank reiterated :—

"The Bank further says that his services were terminated by way of discharge simpliciter by paying him 3 months salary in lieu of notice as provided in paragraph 522(1) of the Shastri Award.

5. The Bank in this reference was represented by its learned advocate Shri C. V. Pavaskar assisted by Shri R. B. Pitale. The workman through the union was represented by the learned representative Shri M. S. Udeshi, assisted by Shri K. R. Mehta. Since, on behalf of the Bank, two preliminary legal contentions were taken, a prayer was made by Shri Pavaskar that since these two legal preliminary contentions were likely to go to the root of the maintainability of this reference, the same may be heard in the first instance and thereafter the reference if legally maintainable, be considered on its merits. This request of Shri Pavaskar was granted and it was directed that in the first instance these two preliminary legal contentions may be heard and disposed of. In respect of these preliminary legal contentions, the evidence of the workman himself was recorded at ex. 9 on 11-1-78. However, on that day only his examination-in-chief was recorded, but he could not be cross examined on behalf of the Bank, as on the application of the Bank ex. 10 dated 11-1-78, the cross examination was reserved. Thereafter vide ex. 19 the workman was cross examined by the representative of the Bank on 22-2-78. On behalf of the Bank also the evidence of one of its officers one Shri Somanbhai Kalidas Desai was recorded at ex. 14. Both the parties also produced certain documents which were exhibited with their mutual consent. After hearing the learned representatives of the parties and after considering the oral as well as the documentary evidence on the record of this reference this Tribunal made the Award-Part I ex. 25 on 16-3-78 rejecting the two preliminary legal contentions raised on behalf of the Bank against the legal maintainability of this reference. After disposing of these two preliminary legal contentions raised on behalf of the Bank, it was directed that this reference may proceed on its merits. Before anything could be done towards the adjudication of the demand covered by this reference, an unfortunate incident occurred when the workman expired on 9-3-1978 as would be clear from the medical certificate ex. 27/1 dated 9-3-1978 and the death certificate ex. 27/2 dated 19-4-1978 issued by the Surat Municipal Corporation. After the death of the workman, his widowed mother Smt. Valiben Arjunbhai gave application ex. 27/3 on 23-4-78 with a request that since her son—the workman had expired on 9-3-1978 and since she was the only legal heir and representative of the deceased, she should be joined as a party to this reference. The notice of this application was given to the Bank, calling upon them to show cause as to why the said application be not granted? On behalf of the Bank, the reply ex. 28 was filed to this application through which the said application was vehemently opposed. It was contended on behalf of the Bank that the widowed mother of the deceased workman could not be legally joined as a party to this reference which related to an industrial dispute in which only the deceased in his personal capacity was interested. According to the Bank, with the death of the workman, the industrial dispute relating to his reinstatement in the bank service did not survive for adjudication and therefore his heir or legal representative should not be brought on record. It was also urged that there is no provision in the Act to bring on record the legal heirs of a deceased workman in respect of the matter involved in such reference. After hearing the learned representatives of the parties, this Tribunal passed the order ex. 29 on 15-7-1978, holding that on account of the death of the workman, neither the reference had abated nor the industrial dispute covered by this reference had come to an end. It was further held that even though the demand regarding the reinstatement of the workman did not survive on account of his death, yet the prayer for the payment of back wages

from the date of his removal from service till the date of his death can be legally considered and if ultimately it is found that the order of his removal from the service was illegal and unjustified, his legal heirs including his widowed mother would be entitled to receive these back wages which would be found due to the deceased. In view of this finding, it was held by this Tribunal that the legal position being clear, it was not necessary to make the widowed mother of the deceased workman as a party to this reference, which would continue even after the death of the workman, and even if the mother is not joined as a party.

6. Against this decision of this Tribunal, the Bank filed Special Civil Application No. 2129 of 1978 in the High Court of Gujarat. Even the deceased mother of the deceased workman Smt. Valiben also filed Special Civil Application No. 2504 of 1978 against that order in the High Court of Gujarat. Both these applications were consolidated before the High Court and they were heard together. The High Court of Gujarat rejected the application filed on behalf of the Bank but allowed the application filed on behalf of the widowed mother of the deceased. It was directed by the High Court through its judgement ex. 34 dated 14/15-12-1978 that this Tribunal should allow the proceedings of this reference to be continued by the mother of the deceased as his legal heir and representative. In view of this direction of the Hon'ble the High Court of Gujarat, the widowed mother of the deceased, Smt. Valiben widow of Shri Shamjibhai was joined as a party to this proceeding. After the joinder of Smt. Valiben, she gave written authority ex. 36 dt. 19-1-79, to Shri K. R. Mehta to appear on her behalf in this reference. She also gave written authority ex. 38 dt. 13-2-79, to the learned advocate Shri M. S. Udeshi to represent her in this reference before this Tribunal. It is pertinent to note that after the joinder of the widowed mother of the deceased workman as a party to this reference, both the parties did not lay any further oral evidence in this reference, but relied upon the documentary evidence which is already on the record. In this connection, the joint purshis ex. 37 was filed in this reference on 22-1-79. In view of this position, the learned representatives of the parties have been heard at great length and the mass of documentary evidence on the record of this reference, has also been perused and considered.

7. The admitted facts of this reference are that the workman was employed by the Bank as a cash clerk w.e.f. 1-11-68. He was performing his duties in the Parsi-Seri branch of the Bank at Surat. The allegation of the Bank is that on 8-10-75 while the workman was working as a receiving cashier in that branch of the Bank, he accepted Rs. 200 tendered by one Shri N. M. Gujar to be credited to his savings bank account. It is the story of the Bank that after accepting the said amount of Rs. 200, he did not credit the said amount in Shri Gujar's account. The workman also failed to enter the receipt particulars in the cash receipt book though he issued the counter-foil signed by him and bearing the Bank's stamp. The workman is alleged to have done so deliberately in order to show that he had credited the amount of Rs. 200 in the account of the depositor. This act of misconduct on the part of the workman was disclosed by the Bank on 11-10-75 when Shri Gujar came to the branch with the counter-foil and the pass book and inquired as to why the entry in the pass book was made as on 9-10-75 when he had tendered the amount to the Bank's cash clerk on 8-10-75. The inquiries were started by the authorities of the Bank and it was ultimately found that the workman had temporarily misappropriated the said amount of Rs. 200 which was subsequently credited by him in the account of the depositor. Thereafter the show cause notice ex. 2/1 = 11/1 dt. 15-10-75 was served upon him. The last two lines of that show cause notice are to the following effect :—

"Please therefore submit immediately your written explanation and show cause as to why disciplinary action should not be taken against you."

To that show cause notice, the workman gave his explanation ex. 11/2 dt. 17-10-75. Through this reply, the workman stated that he had credited the amount of Rs. 200 in the S. B. A/c of Shri Gujar on 11-10-75. It would be clear from this reply given by the workman that the alleged temporary misappropriation was for 3 days only as the amount is alleged to have been given on 8-10-75 and he credited the same on 11-10-75. It is pertinent to note that even after the

workman gave that explanation ex. 11/2 on 17-2-75, through which according to the Bank, he had unequivocally confessed his guilt or the commission of the alleged misconduct of temporarily misappropriating the amount of Rs. 200, the authorities of the bank took no action whatsoever against him. Not only that, but he was permitted to continue in the service of the Bank and he went on performing his duties as usual. It was after the lapse of about 6 months that the order of terminating his services ex. 2/1 was passed by the Bank on 13-4-76. Through this order, the Bank stated that the reason for terminating his service was loss of confidence in him. It is an admitted position that no domestic inquiry was held against the workman in respect of the alleged misconduct referred to in the show cause notice ex. 2/1 dt. 15-10-75. Shri Pavaskar on behalf of the Bank very vehemently urged that this order of termination ex. 2/1 dt. 13-4-76 is not a penal order levelling any stigma against the workman but it is an order of discharge simpliciter passed by the employer against him on account of loss of confidence in him. It is urged by him that in an innocent order like this, there would be no necessity, before passing such an order, to hold any inquiry against the defaulting employee and, therefore, in this case also, the Bank had not held any such domestic inquiry because it was not necessary to do so. In order to strengthen his argument, he has relied upon the reply of the workman ex. 11/2 dt. 17-10-75 which he described as a clear admission of his guilt in absolutely inambiguous terms. Before appreciating this contention raised by Shri Pavaskar on behalf of the Bank, it will be necessary to refer to certain provisions contained in the Sastry Award, Desai Award and Bi-Partiate settlements arrived at between the Bank and its workmen which undoubtedly and admittedly govern the conditions of service of the employees of the Bank. The Settlement On The Industrial Disputes Between Certain Banking Companies And Their Workmen arrived at on 19-10-66 may be referred to. Paras 19.1 onward in Chapter XIX (p. 52) relate to the various kinds of misconducts on the part of the employees, the punishments which can be inflicted upon them and the procedure to be followed by the bank authorities in cases against such defaulting employees. In this respect para 19.12 is very important as it lays down the procedure which shall be followed by the bank authorities before taking any disciplinary action against an employee for any misconduct. The Bank in this case has urged that this action of terminating the services of the workman, has been taken under sub-clause (1) of para 522 of Sastry Award (p. 145). It is their contention that this action does not involve any disciplinary action against the workman. It will be necessary to reproduce p. 522(1) of the Sastry Award which is as under :—

"522. We now proceed to the subject of termination of employment. We give the following directions :—

- (1) In cases not involving disciplinary action for misconduct and subject to clause (6) below, the employment of a permanent employee may be terminated by three months' notice or on payment of three months' pay and allowances in lieu of notice. The services of a probationer may be terminated by one month's notice or on payment of a month's pay and allowances in lieu of notice."

8. In order to appreciate this contention of the Bank, it will be necessary to scrutinize and critically examine against the back ground of the proved facts and circumstances of this case as to whether the order ex. 2/1 dt. 13-4-76, terminating the services of the workman is an innocent and simple order of discharge simpliciter or it is a penal order passed against the workman for the above mentioned misconduct of temporarily misappropriating the amount of Rs. 200, which was entrusted to him in his capacity as a cash clerk of the Bank? The show cause notice is a clear pointer in this case because in its concluding line it had called upon the workman to show cause as to why disciplinary action should not be taken against him. If that is so, it is very difficult to agree with the Bank that the said order is an order of discharge simpliciter and not a penal order. There is nothing on the record of this reference to show that between the issuance of show cause notice on 15-10-73 and the termination order of 13-4-76, the workman had acted in a manner so as to give any justification to the Bank to lose confidence in him. Excepting the incident of 8-10-75, no other incident has either been cited or brought on record to show that there were any grounds for the Bank to come to a conclusion that they had lost confidence in the workman. In this connection, a reference is invited to a decision of the Supreme Court of India, reported

in A.I.R. 1975 (S.C.) 661 in the case of L. Michael and another vs. Johnson Pumps Ltd. The relevant observations are in paras 19, 20, 21 and 22. Applying the test laid down by the Supreme Court of India in that case to the facts and of the present case including the test of X-raying the order of termination of service of the workman, it will appear that this order was nothing but a penal order and the Bank wanted to remove the workman from the service of the Bank because of the above mentioned alleged misconduct on his part. Excepting that incident, no other incident is available to provide a justification for the Bank to urge that they had lost confidence in the workman.

9. Having held that the order of his termination was a penal order and that it was taken by way of a disciplinary action against the workman, it will have next to be seen, whether the said order can be described as legal and proper? Admittedly, no departmental inquiry was held against the workman. The defence of the Bank in this case is that because the workman had admitted his guilt, through his reply ex. 20 dt. 21-4-76, it was not necessary to hold any domestic inquiry against him. In support of this contention Shri Pavaskar has relied upon on a decision of the Supreme Court of India reported in 1967-II L.L.J. p. 729 in the case, between Central Bank of India Ltd. vs. Karunamoy Banerjee. Relying on this decision he has urged that in this case because the workman had admitted his misconduct alleged against him and had appealed for mercy or sympathy, it was not necessary to hold any inquiry against him. If we go through this decision it appears that all that has been laid down is that in a domestic inquiry against the workman who had admitted his misconduct and had also appealed for sympathy, it will have to be seen as to under peculiar facts and circumstances of a given case whether the principles of natural justice had been violated? From the facts as disclosed, it clearly appears that a domestic inquiry was held even in that case, but it was to be considered whether against the back ground of the conduct of the defaulting workman himself, whether the principles of natural justice were violated while conducting the domestic inquiry against him? As such on the basis of this decision it cannot be held that in case of this nature, no departmental inquiry is to be held at all. He has also referred to a decision of the Gujarat High Court reported in 1977-I L.L.J. p. 409 in the case between Sukhdev Ratilal Patel v/s. Chairman, Bank of Baroda and another. Even in this case, the Gujarat High Court held that where the officer has voluntarily admitted a charge, no fetish need be made of violation of principles of natural justice. No proposition has been laid down even by the Gujarat High Court that in a case of voluntary admission, no departmental inquiry is to be held or conducted. All that has been laid down is, that in such cases the question regarding the violation of principles of natural justice should be considered against the back ground of the fact, that the concerned workman or employee had himself voluntarily admitted his guilt. As such, in this case also, if the Bank had held the departmental inquiry against the workman as enjoined under para 19.12 of the above mentioned settlement and if against that inquiry, the workman had raised any objection, the same could have been considered after keeping in view the important fact that he had given an admission regarding the commission of the alleged misconduct, through his reply ex. 11/2. However, in this case the Bank has completely violated the mandatory provisions of that Bi-partite settlement which provisions are binding upon the Bank. In the case of Lachhman Dass Agarwal v/s. The Punjab National Bank & others reported in 1978 Labour & Industrial Cases at p. 423, the Punjab & Haryana High Court was considering a circular issued by the Bank, laying down certain procedure which the bank had to follow before taking any disciplinary action against its employees. The High Court gave its findings in that connection in para 12 of its judgement and came to the conclusion that even such a circular must be held to have statutory force and any violation of the said circular, in following the prescribed procedure for taking disciplinary action would violate the action of the employer. In the instant case therefore by not conducting any inquiry against the workman before passing the order of termination of his service, the Bank had violated the provisions contained in para 19.12 of the Bi-Partite Agreement which provisions are binding upon the Bank. Such violation would invalidate the order terminating the services of the workman.

10. On the record of this reference there are two letters of the workman addressed to the bank authorities. One is dt. 21-4-76 ex. 20 and the other is dt. 26-8-76 ex. 21. Through

these two letters, the workman approached the bank authorities and called upon them to withdraw the order of his termination. He challenged through these letters the legality and validity of the order of the termination of his service. But no need was paid to these letters. There is also an affidavit of the depositor Shri Nathubhai Motiram Gujjar at ex. 30/1. It was sworn in by him on 9-11-76. On going through the contents of this affidavit as well as the contents of the above mentioned two letters exhs. 20 and 21 addressed by the workman to the Bank, at least a doubt is created as to whether the admission given by the workman could be voluntary? Even if the slightest doubt is created, it would not be fair and just to punish or penalise the workman only on the basis of what he stated in his reply to the show cause notice ex. 11/2. If a regular departmental inquiry had been conducted against him, he could have examined the depositor or he could have got an opportunity of cross examining the depositor in order to show that actually no misappropriation had been committed by him as was alleged against him. The depositor does not seem to be a reliable person because on the one hand he complained to the bank authorities that even though he had delivered Rs. 200 to the workman on 8-10-75, they were entered into his account only on the next day but through that affidavit he gave go-buy to his original stand and came out with a story that on 8-10-75 he had not credited any amount in his account in the Bank. According to him as disclosed through his affidavit, he had credited that amount of Rs. 200 in his account on 11-10-75. Now in view of these two versions one given by him orally to the management of the Bank and the other sworn in by him on oath through this affidavit, will it be legitimate and proper to come to a final conclusion that the workman had actually committed the said misconduct of temporarily misappropriating the amount of Rs. 200, alleged to have been handed over to him by the depositor on 8-10-75? The entire episode cannot be said to be free from doubt. It was therefore necessary for the Bank to have followed the mandatory provisions by holding a legal and proper domestic inquiry against the workman. Because it was not done, the order of termination of the service of the workman can be held to be illegal and bad.

11. The other ground on which the said order can be struck down is that it is also hit by the provisions of S. 25F of the Act. Since I have already held that the said order is not an order of discharge simpliciter but that it is a penal order; the termination of service of the workman through that order would amount to retrenchment as contemplated u/s. 2(oo) of the Act. Before discussing this point at length, let me deal with an objection raised on behalf of the Bank by Shri Pavaskar, to the effect that since no such plea has been taken on behalf of the workman through the statement of claim ex. 2, it will not be legal and order to allow the learned representative of the workman to take that plea at this late stage. After giving careful thought to this contention of Shri Pavaskar, I am of the opinion that it has absolutely no force because on behalf of the workman through the statement of claim the legality and validity of the order of termination of his service has been challenged, though specifically no reference has been made to the provisions of the Act, especially S. 25F or no mention has been made of the word 'retrenchment'. In para 8 of the statement of claim it has been stated that 'none of the procedure was followed by the Bank's management'. It was urged that—on that account the termination order was void ab-initio as the principles of natural justice had not been followed by the management of the Bank. Section 25F of the Act is as under :—

"25F. No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by the employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice :

Provided that no such notice shall be necessary, if the retrenchment is under an agreement which specifies a date for the termination of service;

- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months; and

- (c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the official gazette."

12. The above mentioned provisions of the Act are mandatory and any breach of these provisions would invalidate the action of the management in terminating the services of any employee or workman. In this connection a reference is invited to the decision of the Calcutta High Court reported in 1979 Labour & Industrial Cases p. 499 in the case between B. M. Gupta v/s. State of West Bengal and others. Relevant observations are given in para 9 and it would be convenient to reproduce that para :—

"After considering the respective submissions of the learned counsel appearing for the parties, it appears to me that if the conditions precedent for an order of retrenchment under S. 25F of the Act are not fulfilled, the order of retrenchment is not effective at all but the same is void ab-initio and the relationship between the employer and the employee is not affected by such void retrenchment order and the employee continues in service despite the purported order of retrenchment. I respectfully agree with the view expressed by the Gujarat High Court, Patna High Court and Punjab High Court in this regard as discussed hereinbefore and with all respects I cannot subscribe to the view expressed by the Andhra Pradesh High Court in the said decision made in the case of National Insurance Co. v. Biswanath, 1177 Lab IC (supra). It appears to me that the Supreme Court in the case of State of Bombay v. Hospital Majdoor Sabha, (AIR 1960 SC 610) has specifically laid down the principle of law that the requirements prescribed by S. 25F of the Act are mandatory requirements and failure to comply with the said condition precedent makes the order of retrenchment invalid and inoperative in law. If an order is invalid and inoperative in law, then it cannot be made operative by awarding some compensation later on. S. 25F of the Act lays down the conditions precedent for retrenchment of an employee and if the conditions precedent are not complied with the order of retrenchment becomes only a purported order but not a valid order in the eye of law. Accordingly the petitioner must be deemed to be in service and it must be held that there was no cessation of the relationship of employer and employee. In such circumstances there was no occasion for the Tribunal to go into the question as to whether the order of retrenchment could have been passed with justification in the facts of the case and to decide as to whether some relief other than reinstatement is warranted. It appears to me that such circumstance was also considered by the Supreme Court in the said case of M/s. National Iron & Steel Co. v. State of West Bengal (AIR 1967 SC 1206) (supra) when the Supreme Court specifically held that where there was no compliance with S. 25F, it was not necessary to consider the other point namely justification of the order of retrenchment. Mr. Dutta Gupta, however, contended in this connection that although the Supreme Court held that in the absence of compliance with the provisions of S. 25F, the order of retrenchment becomes invalid and there was no justification to consider the other points, the Supreme Court as a matter of fact took into consideration the relevant facts for the purpose of coming to the finding as to whether the order was justified or not. Mr. Dutta Gupta contended that although the Supreme Court incidentally took into consideration the facts relating to justification of the order, it must be held that the Courts of law should also consider the relevant facts for deciding as to whether the order itself was justified or not. I am, however, unable to accept this contention of Mr. Dutta Gupta. The Supreme Court specifically laid down the principle of law that when there was no compliance with the mandatory provision of S. 25F, the order itself was illegal and invalid and it was not necessary to consider the other points. In the said case, the Supreme Court only incidentally considered it, but for such incidental consideration by the Supreme Court, it cannot be contended that

all Courts are also bound to consider incidentally the factors relating to the justification of the order of retrenchment."

13. On the question, whether any termination of service amounts to or does not amount to retrenchment as contemplated under the Act a reference may be invited to the leading case of the Supreme Court of India reported in 1976-1 L.L.J. 478 in the case of State Bank of India v/s. N. Sundaramoney. In that case their Lordships of the Supreme Court of India while interpreting the provisions of S. 2(oo) of the Act have given a very wide meaning to the phrase "for reasons whatsoever". On the basis of this decision of the Supreme Court of India, it can be legitimately held that the termination of the service of the workman through the order ex. 2/1 dt. 13-4-76, amounted to his retrenchment from service because by that time he had already put in a continuous service of more than 7 years. Now, if that termination amounted to retrenchment, the employer bank was bound to follow the conditions precedent to his retrenchment as provided u/s. 25F of the Act. Admittedly these conditions had not been followed in this case and therefore also the said order is bad in law. Shri Pavaskar has drawn my attention to a decision of the Bombay High Court reported in 1979(39) F.L.R. p. 329 in the case of Kamleshkumar Rajanikant Mehta vs. The Presiding Officer, Central Government Industrial Tribunal No. 1, and another. In that case their Lordships of the Bombay High Court came to the conclusion that if the termination of service is for any other reason or for loss of confidence it would not be retrenchment. Undoubtedly this decision would not be applicable to this case because in this case a finding has been given that the order of termination was not an order of discharge simpliciter on account of loss of confidence in the workman. On the contrary, it has been held that it is a penal order which was made for the purpose of punishing the workman for the misconduct alleged against him. On the question of retrenchment, a reference may also be made to the decision of the Patna High Court reported in 1979 Lt. I.C. 990 in the case of Sarjoo Prasad v/s. Regional Manager, State Bank of India. In that case relying on the above mentioned decisions of the Supreme Court of India in the case of Sundramoney, the Patna High Court came to the conclusion that the simple discharge of an employee under para 521(10)(c) of the Sastry Award would amount to retrenchment. The relevant observations are made in paras 8 to 11 of the judgement and this decision completely covers the facts of the present case. In this case the Bank has taken a stand through its written statement ex. 3 and the services of the workman were terminated in accordance with the provisions in p. 522(1) of the Sastry Award. Now this decision of the Patna High Court clearly lays down that even if the services of the workman are terminated in accordance with the provisions of the Sastry Award, then too, the said termination would amount to retrenchment and if the mandatory provisions of S. 25F of the Act are not followed, then such a termination is bad in law. From this entire discussion, it would appear that the action of the Bank in terminating the services of the workman through the order ex. 2/1 on 13-4-76, was absolutely illegal. If that is so, the workman if he had been alive, would have been entitled to be reinstated in his original position with the payment of full back wages because there is no evidence on the record of this reference to show, that during the period of his unemployment he was gainfully employed elsewhere and had earned any amount. Since unfortunately the workman is dead, the question of his reinstatement would not arise, but his widowed mother Smt. Valiben would be entitled to receive as his legal heir and representative, the amount of back wages which would be due to the deceased for the period from 13-4-76 to 8-3-78 as he expired on 9-3-78.

14. (i) It is, therefore, hereby directed, that the Management of the Bank of Baroda, the first party in this reference, to pay the amount of full back wages including all allowances which would have been payable to the deceased workman Shri S. S. Sinduria, to his widowed mother Smt. Valiben widow of Shri Shamjibhai, who is a party to this reference, for the period from 13-4-76 to 8-3-78.

(ii) It is further directed that the arrears of these back wages shall be paid to the said Shri Valiben by the Bank within a period of one month from the publication of this award in the Gazette of India.

(iii) The first party-Bank to bear its own costs and also to pay the costs of the union which are quantified at Rs. 500. Ahmedabad :

Dated 23-2-80.

R. C. ISRANI, Presiding Officer
[No. L-12012/202/76-D.II(A)]
S. K. BISWAS, Desk Officer

आदेश

नई दिल्ली, 8 अप्रैल, 1980

का० प्रा० 1063.—भारत सरकार के श्रम और रोजगार विभाग की अधिसूचना संख्या 2652 तारीख 24 अगस्त, 1966 द्वारा गठित श्रम न्यायालय, कलकत्ता के पीठासीन अधिकारी के कार्यालय में एक रिक्ति हुई है।

अतः, अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 के उपबन्धों के अनुसरण में केन्द्रीय सरकार श्री बी० के० राय को इस आदेश की तारीख से उक्त श्रम न्यायालय के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[संख्या एस-11020/2/80—डी० I(ए)(i)]

ORDERS

New Delhi, the 8th April, 1980

S.O. 1063.—Whereas a vacancy has occurred in the Office of the Presiding Officer of the Labour Court, Calcutta constituted by the notification of the Government of India in the then Department of Labour and Employment No. S.O. 2652 dated the 24th August, 1966.

Now therefore in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri B. K. Ray as the Presiding Officer of the said Labour Court with effect from the date of this order.

[No. S-11020/2/80-D.I.A. (i)]

का० प्रा० 1064.—भारत सरकार के श्रम और रोजगार विभाग की अधिसूचना संख्या 2653 तारीख 24 अगस्त, 1966 द्वारा गठित औद्योगिक अधिकरण कलकत्ता के पीठासीन अधिकारी के कार्यालय में एक रिक्ति हुई है ;

अतः, अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 के उपबन्धों के अनुसरण में केन्द्रीय सरकार श्री बी० के० राय को इस आदेश की तारीख से उक्त औद्योगिक अधिकरण के पीठासीन अधिकारी के रूप में नियुक्त करती है।

[संख्या एस-11020/2/80-डी० (ए) (ii)]

एल० के० नारायणन, अवर सचिव

S.O. 1064.—Whereas a vacancy has occurred in the office of the Presiding Officer of the Industrial Tribunal, Calcutta, constituted by the notification of the Government of India in the then Department of Labour & Employment No. S.O. 2653 dated the 24th August, 1966;

Now therefore in pursuance of the provisions of Section 8 of Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri B. K. Ray as the Presiding Officer of the said Industrial Tribunal with effect from the date of this order.

[No. S-11020/2/80-DIA(ii)]

L. K. NARAYANAN, Under Secy.